

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 17 NUMBER 104

Washington, Tuesday, May 27, 1952

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1026 (Burley and Flue-52)-1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, BURLEY AND FLUE-CURED TOBACCO 1952-53 MARKETING YEAR

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AUTHORITY: §§ 725.330 to 725.360 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 725.330 Basis and purpose. Sections 725.330 to 725.360 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Burley and flue-cured tobacco during the 1952-53 marketing year. Prior to preparing §§ 725.330 to 725.360, public notice (17 F. R. 3495) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views and recommendations pertaining to §§ 725.330 to 725.360, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.331 Definitions. As used in §§ 725.330 to 725.360, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1952, which has not been marketed or which has not been disposed of under § 725.343.

(c) Committees. (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended: 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CTIONS

the Government Printing Office for binding. It does not take the Requisitions, signed by the proper authority, should be sent to accompanied by Binding Instructions, should be sent to the Central Department name and requisition number.

ED ON FACE OF THIS FORM

but may differ in other localities

Remove wire staples.—All stitches and staples except those in binding edge of a wire-stitched pamphlet. (These are included in basic binding operations.)

Smooth out wrinkled sheets.—Straighten out any sheets which are wrinkled or crumpled. Usually involves dampening and pressing the sheets.

Straighten folded corners.—"Dog ears," corners folded in, will be straightened.

ADDITIONAL INSTRUCTIONS

Use this space for any items not otherwise provided for or for which more space is needed, such as special arrangement, division sheets, raised bands, or special binding.

STYLE OF BINDING

Full.—Book covered with one piece of material. Recommended for all cased, elite, and laced bindings when buckram, fabrikoid, or cloth is used.

Half.—Back and corners covered with the principal binding material. Sides covered with another, usually cheaper material. Normally recommended only for leather binding or for large volumes, such as newspapers.

Quarter.—A narrow strip of material on the backbone of book. Usually used only on cut-flush books.

Cut flush, flat back.—Not rounded or backed; cover flush with text, binding material not turned in. This style with quarter buckram or cloth is commonly known as Library of Congress style.

Cased.—Rounded and backed; cover extended beyond trimmed edge of text, binding material turned in on all sides. Muslin joints, pasted waste leaves. Recommended for light weight books and those which will not receive hard usage.

Elite.—A recently developed style similar to cased but stronger and more durable because of stronger backlining materials and superior adhesives. Recommended for all full cloth, fabrikoid, or buckram books where strength and durability are desired. All elite books more than 2-inches thick will be reinforced with cord in the heads.

Laced.—The conventional "law-book" binding, boards laced or crashed on with visible cloth joints. Otherwise similar in appearance to cased or elite binding. Recommended for half or full leather.

Flexible.—Used principally for full leather de luxe bindings.

Make pocket.—For maps or other insertions.

Replace in old cover.—Use only when present cover is in good condition.

Make box if too old to bind.—When paper in books is old and too brittle to bind, a box covered with binding material and suitably lettered will protect the volume and present a good appearance.

Trim—Do not trim.—Normally, all library bindings should be trimmed lightly except books which have narrow margins or special edges which the library wishes to preserve. If neither item is marked, GPO judgment will prevail.

Make dummy.—To show style for future bindings.

MATERIALS

Refer to GPO sample book of binding materials. Please give both color and property number to avoid errors even if dummy or sample is furnished.

EDGING

Edges will be left plain if no edging is specified.

BINDING INSTRUCTIONS

See Reverse for Explanations

PRELIMINARY WORK TO BE PERFORMED IN GPO☐ Class A☐ Class B☒ Class C**SPECIFIC PRELIMINARY WORK****PREPARATORY**

- | | | | |
|--------------------------------------|-----------------------------------------------------------|----------------------------------------|---------------------------------------|
| <input type="checkbox"/> Collate | <input type="checkbox"/> Fold; maps, etc. | <input type="checkbox"/> Guard or stub | <input type="checkbox"/> Hinge sheets |
| <input type="checkbox"/> Join sheets | <input type="checkbox"/> Trim (to equalize varying sizes) | <input type="checkbox"/> Pad out | |
| Mount (on): | <input type="checkbox"/> Muslin | <input type="checkbox"/> Paper | <input type="checkbox"/> Tissue |

ARRANGEMENT

- | | | |
|------------------------------------------------------|-------------------------------------------------|------------------------------------------------------|
| <input checked="" type="checkbox"/> Bind as arranged | <input type="checkbox"/> Rearrange as indicated | <input type="checkbox"/> Covers and ads as they are |
| <input type="checkbox"/> Remove covers | <input type="checkbox"/> Remove ads | <input type="checkbox"/> Save covers and ads |
| | | <input type="checkbox"/> Bind covers and ads in back |

REPAIRING

- | | | |
|-----------------------------------------------------|----------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Tip loose leaves | <input type="checkbox"/> Mend torn leaves | <input type="checkbox"/> Replace missing parts of leaves |
| <input type="checkbox"/> Reinforce sheet edges | <input type="checkbox"/> Remove cellulose tape | <input checked="" type="checkbox"/> Remove wire staples |
| <input type="checkbox"/> Smooth out wrinkled sheets | <input type="checkbox"/> Straighten folded corners | |

ADDITIONAL INSTRUCTIONS

Sample furnished: FEDERAL REGISTER
 1941
 VOLUME 6
 PAGES 959-1904
 FEB 15-APR 11

STYLE OF BINDING

- | | | | | |
|------------------------------------------------------|--------------------------------|--------------------------------------|-----------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Full | <input type="checkbox"/> Half | <input type="checkbox"/> Quarter | <input type="checkbox"/> Cut flush, Flat back | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Cased | <input type="checkbox"/> Elite | <input type="checkbox"/> Laced | <input type="checkbox"/> Flexible | <input type="checkbox"/> Make pocket |
| <input type="checkbox"/> Make box if too old to bind | <input type="checkbox"/> Trim | <input type="checkbox"/> Do not trim | <input type="checkbox"/> Make dummy | <input type="checkbox"/> Replace in old cover |

MATERIALS

- | | | | | | | |
|---------------------------------------|--------------------------------------|-----------------------------------------------------|-------------------------------|--------------------------------|----------------------------------|----------------------------------|
| <input type="checkbox"/> Cloth | <input type="checkbox"/> Fabrikoid | <input checked="" type="checkbox"/> Buckram | <input type="checkbox"/> Duck | <input type="checkbox"/> Sheep | <input type="checkbox"/> Cowhide | <input type="checkbox"/> Morocco |
| Color blue | Prop. No. _____ | Side material _____ | Prop. No. _____ | | | |
| <input type="checkbox"/> Match sample | <input type="checkbox"/> Match dummy | <input type="checkbox"/> Old covers pasted on board | | | | |

EDGING

- | | | | | | |
|----------------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|---------------------------------|----------------------------------|
| <input type="checkbox"/> All sides | <input type="checkbox"/> Top only | <input type="checkbox"/> Solid color | <input type="checkbox"/> Sprinkle | <input type="checkbox"/> Sponge | Color _____ |
| Marble: <input type="checkbox"/> Agate | <input type="checkbox"/> Comb | <input type="checkbox"/> Italian | <input type="checkbox"/> _____ | <input type="checkbox"/> Gold | <input type="checkbox"/> Burnish |

(See other side)

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LETTERING

- ☒ Back
 ☐ Side
 ☐ See additional copy attached
☒ Gold
 ☐ Ink or foil—Color _____
 ☐ No lettering
☐ Leather labels
 ☒ See sample
 ☐ See dummy
 ☐ See ruboff

HORIZONTAL TITLES

FEDERAL REGISTER

1952

VOLUME 17

PAGES 4779-5688

MAY 27-JUNE 24

(Lengthwise titles will be placed on book in same direction as typed or written in this space)

This form in duplicate is to accompany each book submitted to place of Standard Form 1, Requisition for Printing and Binding, the Division of Planning Service, GPO. Books to be bound, acc Receiving Section, GPO. Each package should be identified by dep

EXPLANATION OF TERMS US

Terms used are common in GPO.

PRELIMINARY WORK TO BE PERFORMED IN GPO

Class A.—All work necessary to perform a first-class job. Any operations marked under Specific Preliminary Work will be performed in addition to repairs considered necessary by GPO. Arrangement should be indicated.

Class B.—*Specific preliminary work.*—Only such items as are checked under Repairing, Preparatory, and Arrangement will be performed.

Class C.—Bind "as is." No repairs; no rearrangement. Resew only if necessary.

PREPARATORY

Collate.—Check the book to see that all pages are included and in sequence.

Fold: Maps, etc.—Either tipped in or inserted in pockets or envelopes. Often require refolding to fit pocket or book. Narrow-margin sheets: When book is to be trimmed any leaves with narrow margins should be folded in to avoid cutting into the printing. Extended sheets: Leaves extending beyond trimmed edge of book should be folded in slightly smaller than size of book. Explain under "Additional Instructions."

Guard or stub.—Additional paper in the form of narrow strips placed in the binding edge of the book to compensate for extra thickness caused by folded maps, pockets, irregular sizes, additional sheets to be inserted later, etc.

Hinge sheets.—Attach a cloth or paper strip to the binding margin of sheet to form a hinge. Advisable when sheet is very stiff or has insufficient binding margin.

Join sheets.—Tip sheets together to make one sheet for folding and sewing.

Trim (to equalize varying sizes).—This can only be done when margins of larger sizes permit trimming to the smaller size.

Pad out (to increase thickness of books with blank paper).—Make a thin volume thick enough to be lettered on the back (usually about $\frac{1}{4}$ inch is sufficient).

Mount (to add strength).—Muslin or paper is used for maps which are to be folded, bound into books, or rolled. Tissue is used for covering brittle leaves which otherwise could not be bound or would stand little handling. If lamination with cellulose acetate or crepine is desired, specify under "Additional Instructions."

ARRANGEMENT

Bind as arranged.—Indicates that material is in proper sequence.

Rearrange as indicated.—Indicate under "Additional Instructions."

Covers and ads as they are.—Self-explanatory.

Remove covers.—Applies to covers on individual sections to be bound together.

Remove ads.—If this is checked, all ads not appearing on the same pages with text matter will be thrown away unless the following box is also checked.

Save covers and ads.—Will be removed and returned to ordering agency.

Bind covers and ads in back.—Strike out either word if not applicable.

REPAIRING

Tip loose leaves.—Leaves which have been torn out or which are about to fall out will be tipped in. Other tears will be ignored.

Mend torn leaves.—Does not include filling in missing portions of leaves.

Replace missing parts of leaves.—Missing parts filled in with blank paper.

Reinforce sheet edges.—When leaves are brittle and beginning to tear, they can sometimes be preserved by stripping the edges with paper or cloth.

Remove cellulose tape.—Cellulose tape is not recommended for repairing books. Its removal is a tedious, expensive operation.

Books for binding should be handled carefully, not placed in mail bags.

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and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(d) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee,

in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(h) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups".

(i) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.330 to 725.360 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(j) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(k) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back

to a dealer other than the warehouseman.

(o) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(p) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(q) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(r) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(s) "Scrap tobacco" means the residue which accumulates in the course of preparing flue-cured tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(t) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(u) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(v) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13 and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(w) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1952 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 725.343.

(x) "Tobacco subject to marketing quotas" means:

(1) Any Burley tobacco marketed during the period October 1, 1952, to September 30, 1953, inclusive, and any Burley tobacco produced in the calendar year 1952 and marketed prior to October 1, 1952.

(2) Any flue-cured tobacco marketed during the period July 1, 1952, to June 30, 1953, inclusive, and any flue-cured tobacco produced in the calendar year 1952 and marketed prior to July 1, 1952.

(y) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(z) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(aa) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 725.332 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 725.333 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1952 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.334 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.311 to 725.328, 1023 (Burley and flue-cured), 1023 (Burley and flue-cured) Tobacco Marketing Quota Regulations, 1952-53, as amended (16 F. R. 9347, 16 F. R. 12927). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1952 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1952 times the number of acres harvested in excess of the farm acreage allotment plus (2) any excess carry-over tobacco. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 725.336, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative

portion of the production of the acreage harvested will be disposed of other than by marketing.

§ 725.335 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 725.320 and 725.326 of the Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1952-53 marketing year.

§ 725.336 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed or stolen.

(a) *Within Quota Marketing Card (MQ-76—Tobacco).* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1952 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any prior marketing year can be marketed without penalty under the provisions of § 725.342 (b).

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 725.343 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ-77—Tobacco).* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose, or otherwise furnish, or prevents the county committee from obtaining, any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the

farm is subject to the rate of penalty set forth in § 725.345.

§ 725.337 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 725.338 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 725.339 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.340 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.341 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.342 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.343 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e. 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 725.343, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1952 allotment and the "with-in quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.343 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1952 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 725.345, times the quantity of excess tobacco stored. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1953 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.342 (b) is less than the 1953 allotment may be removed from storage and marketed penalty free.

If the 1952 harvested acreage is less than the 1952 allotment an amount of

any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1952 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.342 (b) is less than the 1952 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 725.344 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1952 marketing card (MQ-76—Tobacco or MQ-77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ-82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ-82—Tobacco shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on MQ-78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.352, and who has been authorized on MQ-78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

The authorization on MQ-78—Tobacco to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.330 to 725.360. The authorization shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his rep-

resentative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ-79—Tobacco.

§ 725.345 *Rate of penalty.* (a) The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be twenty (20) cents per pound in the case of Burley tobacco and twenty-one (21) cents per pound in the case of flue-cured tobacco.

(b) With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 725.346 *Persons to pay penalty.* The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.347 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or with-

in four weeks following the date of marketing, whichever comes first, shall be identified by a MQ-82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any non-warehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ-79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in MQ-79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.330 to 725.360, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ-79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 725.330 to 725.360 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.330 to 725.360 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director or State committee. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1952 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 725.348 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the

case of tobacco removed from storage as provided in § 725.343 (a), and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.330 to 725.360 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 725.349 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.330 to 725.360 to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 725.350 *Producer's records and reports.*—(a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1952 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than 30 days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise the allotment next established for such farm shall be reduced as provided in Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1953-54 marketing year.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 725.330 to 725.360, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm)

shall upon written request by registered mail from the State committee and within 15 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1953-54 marketing year.

§ 725.351 *Warehouseman's records and reports.*—(a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director or the State committee with respect to each warehouse sale of tobacco made at his warehouse the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(2) Date of sale.

(3) Number of pounds sold.

(4) Gross sale price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(6) Name of purchaser.

(7) Number of pounds sold.

(8) Gross sale price.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 725.331 (n).

Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State committee the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale

shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ-83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ-79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1952 the entry on MQ-79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than thirty (30) days following the last sale day of the marketing season a report on MQ-80—Tobacco, Auction Warehouse Report, showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco

purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 725.331 (n) (1) or (2)) or floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 725.331 (n) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ-81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ-86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ-86—Tobacco shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 725.330 to 725.360.

§ 725.352 *Dealer's records and reports.* Each dealer, except as provided in § 725.353, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the

State committee "Receipt for Dealer's Record" contained in MQ-79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1952, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1952.

(c) *Report of penalties.* Each dealer shall make a report on MQ-81—Tobacco, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1952 marketing card issued for the farm on which the tobacco was purchased shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on MQ-78—Tobacco to issue memoranda of sale shall keep a record and make reports on MQ-79—Tobacco showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the Director or the State committee with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1952 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 725.353 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 725.352; *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 725.352 with respect to such purchases. Each such dealer or buyer shall make such reports to the Director, in addition to the foregoing, as he may find necessary to enforce §§ 725.330 to 725.360, and each dealer or buyer who is not subject to the provisions of § 725.352 shall make such reports to the Director as he may find necessary to enforce §§ 725.330 to 725.360.

§ 725.354 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the producer, (2) the date of receipt of the tobacco, (3) the number of pounds received and (4) the name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce §§ 725.330 to 725.360.

§ 725.355 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, trucker, or as a person engaged in the

business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.356 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.330 to 725.360, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

§ 725.357 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 725.358 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.330 to 725.360 for the 1952-53 marketing year shall be kept by him until June 30, 1955, in the case of flue-cured tobacco, and September 30, 1955, in the case of Burley tobacco. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 725.359 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.330 to 725.360 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of community

committees and all members and employees of county committees, and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 725.360 *Redelegation of authority.* Any authority delegated to the State committee by §§ 725.330 to 725.360 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 21st day of May 1952. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-5813; Filed, May 26, 1952; 8:49 a. m.]

[1026 (Fire, Air, and Sun-52)-1]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO MARKETING QUOTA REGULATIONS, 1952-53 MARKETING YEAR

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AUTHORITY: §§ 726.330 to 726.360 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375, Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended; 7 U. S. C. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

GENERAL

§ 726.330 *Basis and purpose.* Sections 726.330 to 726.360 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1952-53 marketing year. Prior to preparing §§ 726.330 to 726.360, public notice (17 F. R. 3495) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to §§ 726.330 to 726.360 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.331 *Definitions.* As used in §§ 726.330 to 726.360, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1952, which has not been marketed or which has not been disposed of under § 726.343.

(c) Committee: (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(d) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Director" means Director or Acting Director, Tobacco Branch, Produc-

tion and Marketing Administration, United States Department of Agriculture.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(h) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(i) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under § 726.330 to 726.360 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(j) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(k) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason,

and which is not turned back to a dealer other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than the warehouseman.

(o) "Producer" means a person who, as owner, landlord, tenant, share cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(p) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(q) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which had been marketed previously.

(r) "Sale day" means that period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(s) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(t) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(u) "Tobacco" means each one of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcements No. 118 (7 CFR 30.4 and 30.5) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(v) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1952 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 726.343.

(w) "Tobacco subject to marketing quotas" means any fire-cured, dark air-cured, or Virginia sun-cured tobacco marketed during the period October 1, 1952, to September 30, 1953, inclusive, and any fire-cured, dark air-cured, or Virginia sun-cured tobacco produced in the calendar year 1952 and marketed prior to October 1, 1952.

(x) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(y) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 726.332 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.333 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1952 shall be expressed in tenths and fractions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 726.334 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment established for the farm in accordance with §§ 726.311 to 726.329, 1023 (Fire, Air, and Sun-52)-3, Fire-cured, Dark Air-cured, and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1952-53 Marketing Year, as amended (16 F. R. 7921, 16 F. R. 12929). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1952 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1952 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm as provided in § 726.336 shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the pro-

duction of the acreage harvested will be disposed of other than by marketing.

§ 726.335 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 726.320, 726.326 and 726.329 of the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1952-53 marketing year.

§ 726.336 *Issuance of marketing cards.* A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (MQ-76—Tobacco).* A within quota marketing card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1952 is not in excess of the farm acreage allotment and any excess carry-over tobacco from any prior marketing year can be marketed without penalty under the provisions of § 726.342 (b),

(2) If all excess tobacco produced on the farm is disposed of in accordance with § 726.343 (b), or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (MQ-77—Tobacco).* An excess marketing card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the

farm is subject to the rate of penalty set forth in § 726.345.

§ 726.337 *Person authorized to issue marketing cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.338 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 726.339 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.340 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the office of the county committee at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 726.341 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State committee.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 726.342 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 726.343 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 726.343 the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1952 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 726.343 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1952 crop produced on the farm, and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 726.345 times the quantity of excess tobacco stored. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1953 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.342 (b) is less than the 1953 allotment may be removed from storage and marketed penalty free.

If the 1952 harvested acreage is less than the 1952 allotment an amount of

any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1952 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 726.342 (b) is less than the 1952 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 726.344 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1952 marketing card (MQ-76—Tobacco or MQ-77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Separate display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall display each such kind of tobacco separately and shall make and keep records that will insure a separate accounting of each of such kinds of tobacco sold at auction over the warehouse floor.

(b) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ-82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ-82—Tobacco shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on MQ-78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer, or his authorized representative, operating regular receiving point for tobacco who keeps records showing the information specified in § 726.352 and who has been authorized on MQ-78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

The authorization on MQ-78—Tobacco to issue memoranda of sale may be withdrawn by the State committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 726.330 to 726.360. The authoriza-

tion shall terminate upon receipt of written notice setting forth the State committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(c) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale covering any marketing shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ-79—Tobacco.

§ 726.345 *Rate of penalty.* (a) The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be sixteen (16) cents per pound in the case of fire-cured tobacco (types 21, 22, 23, and 24), fourteen (14) cents per pound in the case of dark air-cured tobacco (types 35 and 36), and fourteen (14) cents per pound in the case of Virginia sun-cured tobacco (type 37).

(b) With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

§ 726.346 *Persons to pay penalty.* The person to pay the penalty due on the marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.347 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is

not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by a MQ-82—Tobacco and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any non-warehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ-79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets is not identified by a valid memorandum of sale and recorded in MQ-79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales, as reported under §§ 726.330 to 726.360, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ-79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director or State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 726.330 to 726.360 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 726.330 to 726.360 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the Director or State committee. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1952 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

§ 726.348 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 726.343 (a), and shall be paid by remitting the amount thereof to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer, as determined under §§ 726.330 to 726.360, is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) Nonwarehouse sales shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 726.349 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm, and any other person who bore the burden of the payment of any penalty, may request the return of the amount of such penalty which is in excess of the amount required under §§ 726.330 to 726.360 to be paid. Such request shall be filed with the county committee within 2 years after the payment of the penalty.

RECORDS AND REPORTS

§ 726.350 *Producer's records and reports.* (a) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1952 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise, the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1953-54 marketing year.

(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 726.330 to 726.360, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even

though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 15 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State Committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1953-54 marketing year.

§ 726.351 *Warehouseman's records and reports.* (a) *Record of marketing.* Each warehouseman shall keep such records as will enable him to furnish the Director or the State committee with respect to each warehouse sale of tobacco made at his warehouse the following information:

(1) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(2) Date of sale.

(3) Number of pounds sold.

(4) Gross sale price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(6) Name of purchaser.

(7) Number of pounds sold.

(8) Gross sale price.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 726.331 (n).

Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State committee the name

of the farm operator and the approximate amount of tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ-83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ-79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1952 the entry on MQ-79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State committee not later than 30 days following the last sale day of the marketing season a report on MQ-80—

Tobacco, Auction Warehouse Report, showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 726.331 (n) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 726.331 (n) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ-81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ-86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse whether such resale represents leaf account tobacco, pick-ups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ-86—Tobacco shall be prepared for each sale day and forwarded to the State committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 726.330 to 726.360.

§ 726.352 *Dealer's records and reports.* Each dealer, except as provided in § 726.353, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address, and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the State committee "receipt for Dealer's record" contained in MQ-79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1952, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1952.

(c) *Report of penalties.* Each dealer shall make a report on MQ-81—Tobacco, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1952 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale, has been executed.

(e) *Additional records.* Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the Director or the State committee with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1952 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State committee not later than the end of the week following the calendar week covered by the reports.

§ 726.353 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 726.352: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 726.352 with respect to such purchases. Each such dealer or buyer shall make such reports to the Director, in addition to the foregoing, as he may find necessary to enforce §§ 726.330 to 726.360 and each dealer or buyer who is not subject to the provisions of § 726.352 shall make such reports to the Director as he may find necessary to enforce §§ 726.330 to 726.360.

§ 726.354 *Records and reports of truckers and persons redrying, prizing, or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the Director or State committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the producer, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director as he may find necessary to enforce §§ 726.330 to 726.360.

§ 726.355 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any records or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to

the same extent for each such business as if he were engaged in no other business.

§ 726.356 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 726.330 to 726.360, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record, as required under §§ 726.330 to 726.360, within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

§ 726.357 *Examinations of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers shall make available for examination upon written request by the State committee or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State committee or Director has reason to believe are relevant and are within the control of such person.

§ 726.358 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person under §§ 726.330 to 726.360 for the 1952-53 marketing year, shall be kept by him until September 30, 1955. Records shall be kept for such longer period of time as may be requested in writing by the Director or State committee.

§ 726.359 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 726.330 to 726.360 shall be kept confidential by all officers and employees of the United States Department of Agriculture, and by all members of community committees, and by all members and employees of county committees, and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Ad-

ministration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

§ 726.360 *Redelegation of authority.* Any authority delegated to the State committee by §§ 726.330 to 726.360 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 21st day of May 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[P. R. Doc. 52-5814; Filed, May 26, 1952;
8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5960]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOUGHTON MIFFLIN CO.

Subpart—Discriminating in price under section 2, Clayton Act, as amended; Price discrimination under 2 (a): § 3.715 Charges and price differentials; § 3.770 Quantity rebates or discounts. In connection with the sale of trade books in commerce, directly or indirectly, discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Houghton Mifflin Company, Docket 5960, March 6, 1952]

This proceeding was based upon complaint which charged respondent with discriminating in price in violation of the provisions of subsection (a) of section 2 of an act of Congress approved October 15, 1914, as amended by an act approved June 19, 1936.

It was disposed of, as announced by the Commission's "Notice of acceptance of consent settlement and order to file report of compliance," through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was on March 6, 1952, accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has

complied with the order to cease and desist, and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts,¹ conclusion,¹ and order in disposition of this proceeding.

It is accordingly ordered, That the respondent, Houghton Mifflin Company, a corporation, shall, within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent, Houghton Mifflin Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the sale of trade books in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 6th day of March 1952, subject only to the condition that the respondent shall, within sixty (60) days after service upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

By direction of the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-5801; Filed, May 26, 1952;
8:45 a. m.]

[Docket 5961]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LITTLE, BROWN AND CO., INC.

Subpart—Discriminating in price under section 2, Clayton Act, as amended; price discrimination under 2 (a): § 3.715 Charges and price differentials; § 3.770 Quantity rebates or discounts. In connection with the sale of trade books in commerce, directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it

sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Little, Brown and Company, Inc., Docket 5961, March 6, 1952]

This proceeding was based upon complaint which charged respondent with discriminating in price in violation of the provisions of subsection (a) of section 2 of an act of Congress approved October 15, 1914, as amended by an act approved June 19, 1936.

It was disposed of, as announced, by the Commission's "Notice of acceptance of consent settlement and order to file report of compliance", through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was on March 6, 1952 accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has complied with the order to cease and desist, and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts,¹ conclusion,¹ and order in disposition of this proceeding.

It is accordingly ordered, That the respondent, Little, Brown and Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and the conclusion, reads as follows:

It is ordered, That the respondent Little, Brown and Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the sale of trade books in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record this 6th day of March 1952, subject only to the condition that the respondent shall, within sixty (60) days after service

upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

By direction of the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-5804; Filed, May 26, 1952;
8:46 a. m.]

[Docket 5962]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RANDOM HOUSE, INC.

Subpart—Discriminating in price under section 2, Clayton Act, as amended; price discrimination under 2 (a): § 3.715 Charges and price differentials; § 3.770 Quantity rebates or discounts. In connection with the sale of trade books in commerce, directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Random House, Inc., Docket 5962, March 6, 1952]

This proceeding was based upon complaint which charged respondent with discriminating in price violation of the provisions of subsection (a) of section 2 of an act of Congress approved October 15, 1914, as amended by an act approved June 19, 1936.

It was disposed of, as announced by the Commission's "Notice of acceptance of consent settlement and order to file report of compliance", through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was on March 6, 1952, accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has complied with the order to cease and desist, and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts conclusion,¹ and order in disposition of this proceeding.

It is accordingly ordered, That the respondent, Random House, Inc., a corporation, shall, within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist con-

¹ Filed as part of the original document.

tained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered. That the respondent Random House, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of trade books in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 6th day of March 1952, subject only to the condition that the respondent shall, within sixty (60) days after service upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

By direction of the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-5803; Filed, May 26, 1952;
8:46 a. m.]

[Docket 5963]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SIMON AND SCHUSTER, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended; price discrimination under 2 (a): § 3.715 Charges and price differentials; § 3.770 Quantity rebates or discounts.* In connection with the sale of trade books in commerce, directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles of like grade and quality to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Simon and Schuster, Inc., Docket 5963, March 6, 1952]

This proceeding was based upon complaint which charged respondent with discriminating in price in violation of the provisions of subsection (a) of section 2 of an act of Congress approved Oc-

tober 15, 1914, as amended by an act approved June 19, 1936.

It was disposed of, as announced by the Commission's "Notice of acceptance of consent settlement and order to file report of compliance", through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was on March 6, 1952, accepted by the Commission, subject only to the condition that the respondent comply with the requirements of the following paragraph with respect to the filing of a report showing the manner and form in which it has complied with the order to cease and desist, and subject to such condition said consent settlement was ordered entered of record as the Commission's findings as to the facts,¹ conclusion,¹ and order in disposition of this proceeding.

It is accordingly ordered. That the respondent, Simon and Schuster, Inc., a corporation, shall, within sixty (60) days after service upon it of this notice and order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the consent settlement entered herein.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered. That the respondent, Simon and Schuster, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of trade books in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles, of like grade and quality, to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 6th day of March 1952, subject only to the condition that the respondent shall, within sixty (60) days after service upon it of a copy of this consent settlement, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in said consent settlement.

By direction of the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 52-5802; Filed, May 26, 1952;
8:45 a. m.]

¹Filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENT IN THE CHAPLAINS SECTION

Paragraph (d) (2) (i) of § 561.16 is amended as follows:

§ 561.16 *Appointment in the Chaplains section.* * * *

(d) *Eligibility requirements.* * * *

(2) * * *

(i) *Education.* Must possess a consolidated transcript of 120 semester hours of undergraduate credit obtained at a recognized college or university, and a consolidated transcript of 90 semester hours of credit obtained at a recognized theological school. The Secretary of the Army will consider requests for waiver of the theological requirement upon specific recommendation of the Chief of Chaplains.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 37, 39 Stat. 189, as amended; 10 U. S. C. 351-353) [C 3, SR 140-105-4, 6 May 1952]

[SEAL]

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-5800; Filed, May 26, 1952;
8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 92, Amdt. 5]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

CERTAIN SELLERS TO FILE WITH DISTRICT INSTEAD OF REGIONAL OFFICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620) and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 5 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 92 requires that certain sellers file with their District Office instead of their Regional Office of the Office of Price Stabilization. It has been determined that certain filings required under this regulation may be processed more effectively at the District Office level due to the fact that intimate knowledge of the reporting seller's operation may be readily obtained.

The files of sellers affected by this amendment have been transferred from the Regional to the appropriate District Office of the Office of Price Stabilization so that a more realistic administration of the regulation will be effectuated.

The sellers affected by this amendment are: Hotel Supply Houses, Combination Distributors, Wholesalers, Peddler Truck Sellers, Slaughterers and Packer Branch Houses.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, as far as practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

Section 6 (a) and (b), section 12 (b), section 42 (b), 42 (c) (5) and (6) and section 46 (b) are amended by deleting the words "Regional Office" wherever they appear and inserting the words "District Office" therefor.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on May 31, 1952.

Note: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,

Director of Price Stabilization.

MAY 26, 1952.

[F. R. Doc. 52-5920; Filed, May 26, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Collation 5]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

COLLATION 5—INCLUDING AMENDMENTS 1-46

Ceiling Price Regulation 22 is republished to incorporate the text of Amendments 1 through 46, inclusive. Ceiling Price Regulation 22 was issued April 25, 1951 (16 F. R. 3562). Statements of Consideration for Ceiling Price Regulation 22, and for Amendments 1-46, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.

1. Sellers and sales covered by this regulation.

CEILING PRICES ESTABLISHED

2. Ceiling prices established by this regulation.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949, AND JUNE 24, 1950

3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950.

No. 104—3

BASE PERIOD PRICE

Sec.

4. Base period.
5. Category.
6. How to obtain your base period price.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

7. General description of how to calculate "the labor cost adjustment".
8. How to calculate "the labor cost adjustment" upon the basis of your entire business.
9. How to calculate "the labor cost adjustment" upon the basis of a unit of your business.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

10. Manufacturing material.
11. General description of the methods available.
12. Omission of certain manufacturing materials from your calculations.
13. Method 1 (Aggregate method).
14. Method 2 (Individual commodity method).
15. Method 3 (Product line method using best selling commodity).
16. Method 4 (Composite bill of materials method).
- 16a. Option to propose a method.

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

17. General nature of these instructions.
18. How to compute the net cost to you of a manufacturing material as of a prescribed date.
19. How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.
20. Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.
21. Calculation of the increase in net cost per unit of materials covered by Appendix C.
- 21a. Increases in ceiling prices initially determined under sections 30, 32, 33, or 34 to reflect increased costs of materials in Appendix C.
22. How to calculate "the materials cost adjustment" for joint products or by-products.
23. How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.

SPECIAL PROVISIONS RELATING TO CEILING PRICES

24. General nature of these provisions.
25. Rounding ceiling prices.
26. Retention of GPCR ceiling price where the change in price is less than 1 percent.
27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material.
28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs.
29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regulation.
31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity.

Sec.

32. Ceiling prices for new commodities falling within categories dealt in during your base period.
33. Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser.

MISCELLANEOUS PROVISIONS

34. Sellers who cannot price under other sections.
35. Export sales.
36. Excise, sales, and other similar taxes.
37. Prohibition against redetermination of ceiling prices.
38. Modification of ceiling prices by the Director of Price Stabilization.
39. Recalculation of ceiling prices and announcement of "materials cost increase factors".
40. Adjustable pricing.
41. Petitions for amendment.
42. Supplementary regulations.
43. Adjustment of ceiling prices where overall loss in operations results.
44. Use of "conversion steel" in calculating "the materials cost adjustment".
45. Temporary adjustments to carry out existing contracts.
46. Records and reports.
47. Definitions and explanations.
48. Prohibitions.
- 48a. Transfer of business or stock in trade.
49. Charges lower than ceiling prices.
50. Evasion.
51. Violation.

AUTHORITY: Sections 1 to 51 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950; 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1-51 contained in Ceiling Price Regulation 22, April 25, 1951 (16 F. R. 3562) except as otherwise noted in brackets following text affected.

Effective Dates: CPR 22. The effective date of this regulation is December 19, 1951, or such earlier date between May 28, 1951, and December 19, 1951, as you may select. If you select such an earlier date, the regulation becomes effective as to you upon that date for all of your commodities covered by the regulation (16 F. R. 3562).

Amendment 1, May 28, 1951, 16 F. R. 4105.
Amendment 2, May 16, 1951, 16 F. R. 4439.
Amendment 3, May 28, 1951, 16 F. R. 4642.
Amendment 4, May 28, 1951, 16 F. R. 4967.
Amendment 5, May 28, 1951, 16 F. R. 5009.
Amendment 6, May 28, 1951, 16 F. R. 5010.
Amendment 7, June 1, 1951, 16 F. R. 5166.
Amendment 8, June 8, 1951, 16 F. R. 5477.
Amendment 9, June 20, 1951, 16 F. R. 5752.
Amendment 10, June 19, 1951, 16 F. R. 5864.
Amendment 11, June 26, 1951, 16 F. R. 5931.
Amendment 12, June 21, 1951, 16 F. R. 5940.
Amendment 13, June 29, 1951, 16 F. R. 6375.
Amendment 14, June 28, 1951, 16 F. R. 6307.
Amendment 15, July 2, 1951, 16 F. R. 6509.
Amendment 16, July 17, 1951, 16 F. R. 6773.
Amendment 17, July 19, 1951, 16 F. R. 7149.
Amendment 18, August 1, 1951, 16 F. R. 7408.
Amendment 19, August 1, 1951, 16 F. R. 7408.
Amendment 20, July 31, 1951, 16 F. R. 7590.
Amendment 21, August 31, 1951, 16 F. R. 7931.
Amendment 22, August 15, 1951, 16 F. R. 8109.
Amendment 23, August 25, 1951, 16 F. R. 8348.
Amendment 24, September 11, 1951, 16 F. R. 9074.
Amendment 25, October 1, 1951, 16 F. R. 9224.
Amendment 26, September 22, 1951, 16 F. R. 9508.
Amendment 27, September 15, 1951, 16 F. R. 9655.

Amendment 28, October 2, 1951, 16 F. R. 9864.
 Amendment 29, October 10, 1951, 16 F. R. 10206, 10367.
 Amendment 30, October 15, 1951, 16 F. R. 10381.
 Amendment 31, October 15, 1951, 16 F. R. 10381.
 Amendment 32, November 1, 1951, 16 F. R. 11161.
 Amendment 33, November 9, 1951, 16 F. R. 11482.
 Amendment 34, November 26, 1951, 16 F. R. 11812.
 Amendment 35, December 10, 1951, 16 F. R. 12308.
 Amendment 36, December 18, 1951, 16 F. R. 12616.
 Amendment 37, December 14, 1951, 16 F. R. 12698.
 Amendment 38, December 26, 1951, 16 F. R. 12811.
 Amendment 39, January 4, 1952, 17 F. R. 152.
 Amendment 40, January 19, 1952, 17 F. R. 420.
 Amendment 41, January 19, 1952, 17 F. R. 421.
 Amendment 42, March 18, 1952, 17 F. R. 1749.
 Amendment 43, April 5, 1952, 17 F. R. 2813.
 Amendment 44, April 9, 1952, 17 F. R. 3035.
 Amendment 45, April 12, 1952, 17 F. R. 3039.
 Amendment 46, May 10, 1952, or such earlier date between April 10, 1952 and May 10, 1952, as you may select. 17 F. R. 3194.

[Effective date of CPR 22 amended by Amdts. 6, 20, 21, 33; effective date of Amdt. 25 amended by Amdt. 27]

COVERAGE

SECTION 1. Sellers and sales covered by this regulation. (a) This regulation covers you if you are a manufacturer located in the United States (not including territories or possessions) or the District of Columbia. It applies to any sale of any commodity as to which you are the manufacturer, except sales of commodities listed in Appendix A, and sales at retail. In addition, however, you may elect to use this regulation for sales at retail. If you so elect, you must use it for all of your sales at retail of commodities subject to this regulation, and you may not later alter your election.

(b) (1) If your gross sales of commodities, of which you are the manufacturer, for your last complete fiscal year prior to the effective date of this regulation were less than \$250,000, you may elect not to use this regulation, but if you so elect, you may not use this regulation for any commodities of your manufacture.

(2) If on the effective date of this regulation you have not completed your first fiscal year of business, you may elect not to use this regulation, provided that on the basis of your experience you expect your gross sales of commodities of which you are the manufacturer to be less than \$250,000 for your first fiscal year. If you so elect not to use this regulation, you may not use it for any of your commodities. In the event gross sales of such commodities reach \$250,000 before the end of your first fiscal year, you thereupon become subject to this regulation and your election terminates.

[Section 1 amended by Amdt. 40]

CEILING PRICES ESTABLISHED

SEC. 2. Ceiling prices established by this regulation. This regulation estab-

lishes ceiling prices for commodities dealt in between July 1, 1949 and June 24, 1950, and for new commodities introduced subsequent to June 24, 1950. There are also special provisions relating to (a) rounding ceiling prices, (b) retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent, (c) reduction of ceiling prices to reflect any increase in the value of scrap or waste material, (d) adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs, and (e) adjustment of ceiling prices for commodities manufactured in more than one of your plants.

CEILING PRICES FOR COMMODITIES DEALT IN BETWEEN JULY 1, 1949 AND JUNE 24, 1950

SEC. 3. How to determine your ceiling price for a commodity you sold or offered for sale between July 1, 1949 and June 24, 1950. (a) Your ceiling price to your largest buying class of purchaser for sale of a commodity which you sold or offered for sale at any time between July 1, 1949 and June 24, 1950, is your base period price for the commodity, plus "the labor cost adjustment" and "the materials cost adjustment". Section 47 (Definitions) explains the meaning of "your largest buying class of purchaser". Sections 4 through 6 tell how to obtain your base period price. Sections 7 through 9 tell how to calculate "the labor cost adjustment". Sections 10 through 16 tell how to calculate "the materials cost adjustment". If you do not wish to make either of these calculations you may use your base period price as your ceiling price to your largest buying class of purchaser. If you wish to calculate only one of the adjustments you may do so, in which case you will add only the amount of that one adjustment to your base period price.

(b) Your ceiling price for sale of the commodity to your largest buying class of purchaser must be consistent in every respect with your base period price, e. g., it must carry all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale.

(c) Your ceiling price for sale of the commodity to your other classes of purchasers to whom you made sales during your base period is determined by applying your price differentials last used during your base period. In the event you made no base period sales to a particular class of purchaser, you apply your customary differentials in effect during your base period, or if none, then those last in effect before your base period. If you are selling to an entirely new class of purchaser you determine your ceiling price under section 33 for that class of purchaser. For each class of purchasers you must maintain all customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale which you had in effect during your base period. An explanation of what is meant by "class of purchaser" is found in section 47 (Definitions).

BASE PERIOD PRICE

SEC. 4. Base period. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949, which you may elect to use. Whatever base period you elect must be used for all commodities in the same category. There is an exception in case of a commodity which you did not deliver during that base period, and which you did not make the subject of a written offer for delivery during that base period, and for which you did not have a price list in effect during that base period. In that case you may use for that commodity any other base period permitted under this section.

SEC. 5. Category. "Category" refers to a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. This is the same definition as used in section 4 (c) of the General Ceiling Price Regulation. You may, however, exclude from any category any commodity or group of related commodities for which the base period you have elected to use for the category is unrepresentative because of special seasonal characteristics of that commodity or group of related commodities. In that case, treat the commodity or related group of commodities as constituting a separate category.

SEC. 6. How to obtain your base period price. Your base period price for a commodity is obtained as follows:

(a) If, during your base period, you delivered the commodity or contracted in writing to sell the commodity at a firm price, you find the highest price to your largest buying class of purchaser at which such a delivery or such a contract of sale was made.

(b) If you did not make such a delivery or contract, you find the highest price at which you made a written offer for base period delivery to your largest buying class of purchaser.

(c) Instead of the price under paragraph (a) or (b) of this section you may use your price, to your largest buying class of purchaser, which you announced in writing in a price list, catalogue, or similar statement showing your prices for one or more commodities. To use this paragraph (c) you must either have announced the prices during your base period, or have announced them previously and had them in effect during your base period. Also you must have communicated the prices to the trade or a substantial number of customers in your customary way. Further, you must have made substantial deliveries at these prices after your written announcement of the prices. If you use this paragraph (c) for any commodity you must also use it for all other commodities covered by the same announcement.

(d) If your base period price includes any excise, sales or other similar tax which is not separately stated, you must follow the instructions contained in section 36.

(e) If your base period price is expressed as a list price less discounts, you may make the adjustments of the base period price under section 3 (a) upon

the basis of the net price to your largest buying class of purchaser.

Example: Your base period "list" price for commodity A is \$12 less a 20 percent discount to your largest buying class of purchaser. "The labor cost adjustment" and "the materials cost adjustment" which you are permitted to add to your base period price total \$3.84. You first take 80 percent of \$12, thus applying the 20 percent discount. The resulting amount, \$9.60, plus \$3.84 equals \$13.44, your "net" ceiling price to your largest buying class of purchaser. You can figure your "list" ceiling price by dividing your "net" ceiling price (\$13.44) by the same percentage (80 percent), giving \$16.80. Applying the 20 percent discount to your largest buying class of purchaser gives you \$13.44, or your "net" ceiling price to that class of purchaser.

(f) If, during your base period you customarily produced the same commodity at two or more manufacturing establishments of your business and sold it at different prices depending upon the place of production, you must obtain a separate base period price and determine a separate ceiling price for each such establishment.

HOW TO CALCULATE THE LABOR COST ADJUSTMENT

Sec. 7. General description of how to calculate "the labor cost adjustments". Sections 8 and 9 tell how to calculate "the labor cost adjustment". The calculations under both sections are designed to yield an average percentage increase in your factory labor cost based upon net sales and factory payroll data for your last fiscal year ended not later than December 31, 1950. This percentage is referred to as your "labor cost adjustment factor". Under section 8, the net sales and factory payroll data are for your entire business and the labor cost adjustment factor will be applied uniformly to the base period prices of all of your commodities. Under section 9, the net sales and factory payroll data are for a unit of your business and the labor cost adjustment factor will be applied uniformly to the base period prices of all commodities produced in that unit. If the commodities produced in the several units of your business have experienced significantly different labor cost increases, it will probably be to your advantage to use section 9 so as to reflect these differences more appropriately.

Sec. 8. How to calculate "the labor cost adjustment" upon the basis of your entire business. To calculate "the labor cost adjustment" upon the basis of your entire business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your entire business for your last fiscal year ended not later than December 31, 1950. You may not include in factory payroll, labor used in general administration, sales and advertising, or research, or in making major repairs or replacement of plant or equipment or in expansion of plant or equipment. Labor used in factory supervision, packaging and handling, ordinary maintenance and repair of plant or equipment, or in materials control, testing or inspection may, however, be included.

(b) Divide the dollar amount of your factory payroll found under paragraph (a) of this section by the dollar amount of your net sales found under (a). This will show what percentage your factory payroll is of your net sales. This percentage is referred to as your "labor cost ratio".

(c) Find the dollar amount of your factory payroll, as limited in paragraph (a) of this section, for your last payroll period ended not later than the end of your base period (if your base period is April 1 through June 24, 1950, you should use your last payroll period ended not later than June 30, 1950). The term "end of your base period" is explained in section 47 (Definitions). This payroll is referred to as "your base period payroll". Compute what the dollar amount of your base period payroll would have been upon the basis of your wage rates in effect on March 15, 1951. This is referred to as "your recomputed payroll". You may add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of insurance plans, pension contributions for current work, paid vacations and similar "fringe benefits". You may also add to your recomputed payroll a dollar amount to reflect, for the labor covered by that payroll, any increase between the end of your base period and March 15, 1951, in the cost to you of required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act and any state or local unemployment or compensation law. You may not include in your recomputation of your base period payroll any wage increase or "fringe benefit" granted or determined after March 15, 1951, even though, for example, such wage increase or "fringe benefit" is retroactive to March 15, 1951, or any prior date, and is pursuant to a contract in effect on March 15, 1951. You may make the calculations called for by this paragraph in whatever appropriate way is best adapted to your accounting records and your basis of wage payments, e. g., hourly rates, piece-work, or any other system of wage payments used by you.

[Paragraph (c) amended by Amdts. 10 and 26]

(d) Divide the dollar amount of the difference between your recomputed payroll and your base period payroll by your base period payroll. The resulting percentage is referred to as your "wage increase factor".

(e) Multiply your labor cost ratio derived under paragraph (b) of this section by your wage increase factor derived under paragraph (d) of this section. The resulting percentage is referred to as your "labor cost adjustment factor".

(f) Multiply the base period price of the commodity being priced by your labor cost adjustment factor. The resulting amount is "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(g) If you use this section, it must be used for all of your commodities.

Example: (a) Your fiscal year is the calendar year. Your net sales for the twelve months ended December 31, 1950, were \$1,000,000. Your factory payroll for the year was \$300,000 (the required exclusions having been made in arriving at this figure).

(b) \$300,000 divided by \$1,000,000 is 30 percent. This is your labor cost ratio.

(c) Your factory payroll for the week ended June 24, 1950, was \$6,000 (the required exclusions having been made in arriving at this figure). At wage rates in effect March 15, 1951, the payroll would have been \$6,500. In addition you have also granted longer paid vacations and a more liberal insurance plan which amounts to the equivalent of two and one-half cents per hour. The number of hours covered by your base period payroll was 4,000. Consequently the increased "fringe benefits" add an extra \$100 per week to your factory labor cost for the March 15 period. This makes your recomputed payroll at March 15 wage rates \$6,600, or a total increase of \$600.

(d) \$600 divided by \$6,000 is 10 percent. This is your wage increase factor.

(e) 30 percent multiplied by 10 percent is 3 percent. This is your labor cost adjustment factor.

(f) If your base period price was \$100, you multiply \$100 by 3 percent, giving \$3, "the labor cost adjustment".

SEC. 9. How to calculate "the labor cost adjustment" upon the basis of a unit of your business. To calculate "the labor cost adjustment" upon the basis of a unit of your business, you do the following:

(a) Find the dollar amounts of your net sales and of your factory payroll for your last fiscal year ended not later than December 31, 1950, relating to a unit of your business for which you regularly maintain separate accounts and in which the commodity being priced is produced. You must include in net sales the value, as shown on your records, of any transfer of a commodity or material from that unit to another unit of your business. If your records do not show a value you may not use this section. The provisions of section 8 (a) as to what may be included in factory payroll apply.

(b) Using the data found under paragraph (a) of this section you make the calculations prescribed in paragraphs (b), (c), (d), (e) and (f) of section 8, for the unit of your business to which the data relate. This will give you "the labor cost adjustment" to be added to the base period price in accordance with section 3 (a).

(c) This section may be used only for commodities produced in the particular unit of your business to which the net sales and factory payroll data relate, and must be used for all commodities produced in that unit.

HOW TO CALCULATE THE MATERIALS COST ADJUSTMENT

Sec. 10. Manufacturing material. You will need to become familiar with the term "manufacturing material" in the following sections. It refers to a material entering directly into the commodity being priced or used directly in the manufacturing processes from which the commodity results, together with packaging materials, containers (other than returnable containers), purchased fuel, steam or electric energy, and subcontracted industrial services which are directly related to the manufacture of

the commodity. The term does not include materials or sub-contracted industrial services used in replacing, maintaining or expanding your plant and equipment, nor other materials or supplies the use of which is not directly dependent upon the rate at which you manufacture the commodity being priced.

SEC. 11. General description of the methods available. (a) There are four alternative methods available to you for calculating "the materials cost adjustment." You should use the one best suited to your particular situation. Only manufacturing materials may be taken into account in your calculations and you will measure their change in cost to you between prescribed dates. You are permitted, however, to omit any manufacturing material which is not significant or whose cost has not decreased between the prescribed dates. This section contains only general descriptions, as an aid in understanding. The exact provisions which are in the following sections are controlling.

(b) (1) *Method 1.* Method 1 allows you to measure the increase in your manufacturing materials costs upon the basis of a unit of your business not larger than a plant, or, if you have only one plant, upon the basis of your entire business. Under this method, which is set forth in section 13, you calculate a percentage increase in your manufacturing materials costs upon the basis of net sales and materials put into production during a yearly accounting period. If you make the calculations upon the basis of your entire business, you apply the percentage increase uniformly to all of your commodities. If the calculations are upon the basis of separate units of your business, you apply the percentage increase for each unit uniformly to all of the commodities produced in that unit. There are specific limitations upon the use of this method where you have had significant substitution of materials.

(2) *Method 2.* Method 2 is for an individual commodity and is based upon the increase in your unit manufacturing materials cost for that commodity. Under this method "the materials cost adjustment" will ordinarily differ for each commodity. You should probably use this method, therefore, if the various commodities you produce have had substantially different material cost increases since the end of your base period, or vary widely from each other in the ratio between unit manufacturing materials cost and sales price. This method, however, is more burdensome because it requires a separate calculation for each commodity.

(3) *Method 3.* Method 3 is for a product line and is based upon the increase in your unit manufacturing materials cost for the best selling commodity in the product line. A percentage figure for this increase is derived which is applied to the base period price of each commodity in the product line. This method may be more appropriate than Method 2 if you have a number of closely related commodities whose material cost increases have been about the same.

(4) *Method 4.* Method 4 may also be used for a product line or it may be used for a category. It is based upon the increase in the cost of the bill of materials used in producing the goods sold during an accounting period of three months or less. Like Methods 1 and 3 it yields a uniform materials cost adjustment factor for all commodities in the product line or category. If your records are in a form which permits you to use this method, you may find it simpler to apply than Method 1.

(c) You may select whichever one of the four methods you consider best suited to the nature of your business and most adaptable to the records you maintain. If you select the first, third, or fourth method, you must use it for each commodity in the particular unit of business involved (or for all of your commodities if your calculations are based upon your entire business), product line or category.

SEC. 12. Omission of certain manufacturing materials from your calculations. Under any of the four alternative methods which you use for calculating "the materials cost adjustment" you may omit from your calculations any manufacturing material which is not significant or whose cost to you has not decreased between the prescribed dates. Consequently, a reference to "each manufacturing material" under any of the four methods means each such material you are including in your calculations.

SEC. 13. Method 1 (Aggregate method). To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the dollar amount of your net sales for your last fiscal year ended not later than December 31, 1950, for your entire business, or for a unit of your business for which you regularly maintain accounts and in which the commodity being priced is produced. You may not, however, use your entire business for this calculation if you operate more than one plant. Nor may you use a unit of your business which includes the output of more than one plant, although you may use a unit less inclusive than a plant. If you use a unit of your business, you must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown in your records. If your records do not show a value, you may not use that unit of your business for making your calculations.

(b) Multiply the physical amount of each manufacturing material which you used during the same fiscal year either in your entire business or in a unit of your business, whichever you are calculating on, by the dollars-and-cents amount of the change in net cost per unit of the material to you between the end of your base period and December 31, 1950. The term "end of your base period" is explained in section 47 (Definitions). For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may include the increase to any current date subject to the limitations in section 21. Before

starting to figure the change in net cost per unit of the material, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. Subtract the total of the decreases from the total of the increases.

(d) Divide the final figure derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. The resulting percentage is referred to as your "materials cost adjustment factor".

(e) Multiply the base period price of the commodity being priced by your materials cost adjustment factor. This will give "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) If you use this section and your calculations are based upon your entire business, the materials cost adjustment factor which you derive must be used for all of your commodities. If your calculations are based upon a particular unit of your business, the materials cost adjustment factor which you derive must be used for all commodities produced in that unit and may not be used for commodities produced in any other unit of your business.

(g) You may not use this section if you have replaced, in any significant degree, the materials used by you during your base period with lower-priced substitute materials. (For example, if you are a manufacturer of rubber automobile tires, and you are now using a significantly larger percentage of synthetic rubber than you did in your base period, you may not use Method 1.)

SEC. 14. Method 2 (Individual commodity method). To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the physical amount of each manufacturing material which you normally used in your base period per unit of the commodity being priced.

(b) Multiply this physical amount of each of these manufacturing materials by the change in its net cost per unit to you between (1) the last day of the base period you elected for the commodity being priced and (2) December 31, 1950. For any material listed in Appendix B you may figure the change to March 15, 1951, and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Before starting to figure the change in net cost, you should read carefully the instructions contained in sections 17 through 23.

(c) Add together the resulting figures derived under paragraph (b) of this section which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The commodity you are pricing uses three different manufacturing materials. For each unit of the commodity, you

require 5 pounds of material A, 10 pounds of material B, and 1 gallon of material C. Before Korea, material A cost you \$1.00 per pound, material B \$2.00 per pound and material C \$0.50 per gallon. Your net cost per unit of material A on your last invoice before December 31, 1950 was \$1.50 and for material B it was still \$2.00. Material C is listed in Appendix B; your last invoice prior to March 15, 1951 was \$1.00 per gallon. Your increase for material A was, therefore, 5 multiplied by 50 cents (the difference between \$1.50 and \$1.00) or \$2.50. Material B has not changed in price and may, therefore, be omitted. For material C, 1 gallon multiplied by 50 cents equals 50 cents. In addition, the commodity was enameled for you by an outside contractor at a cost of \$1.00 per unit before Korea, and the price for the service as of March 15, 1951 was \$1.25, a difference of 25 cents. Your materials cost increase for the commodity is, therefore, \$2.50 for material A, 50 cents for material C, and 25 cents for the enameling service, or a total of \$3.25. This is "the materials cost adjustment".

SEC. 15. Method 3 (Product line method using best selling commodity). This method is essentially the same as Method 2 except that the calculations are made for the best selling commodity in a product line. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Select the best selling commodity in the product line of which the commodity being priced is a part.

(1) "Product line" refers to a group of closely related commodities which differ in such respects as style, model or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials. A product line may never be broader than a category and usually will be narrower. The relationship between the commodities will normally be substantially closer in a product line than in a category. For example, stripped, standard and deluxe models of refrigerators are separate product lines, but a single category.

(2) "The best selling commodity" refers to the commodity in a product line which accounted for the greatest dollar volume of sales in the product line in your base period.

(b) Using the best selling commodity, make the calculations prescribed in section 14. This will give "the materials cost adjustment" for the best selling commodity, i. e., the amount to be added to its base period price.

(c) Divide "the materials cost adjustment" by the base period price of the best selling commodity. The resulting percentage is referred to as your "materials cost adjustment factor."

(d) Apply your materials cost adjustment factor to the base period price of each commodity in the product line. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price of that commodity in accordance with section 3 (a).

(e) If you use this section it must be used for each commodity in the product line for which you have made your calculations.

Example: You have three commodities in a product line, whose base period prices were \$8, \$10 and \$12, respectively. The best selling item was the \$10 commodity. "The materials cost adjustment" for that commodity calculated under section 14 was \$2, or 20 percent. "The materials cost adjustment" for the \$8 commodity is, therefore, 20 percent of \$8, or \$1.60, and for the \$12 commodity, 20 percent of \$12, or \$2.40.

SEC. 16. Method 4 (Composite bill of materials method). Under this method you make your calculations for the increase in your manufacturing materials cost for a product line or a category. To calculate "the materials cost adjustment" under this method, you do the following:

(a) Find the total net sales of all commodities in the product line or category for your last complete accounting period of three months or less ended not later than the last day of your base period (or if your base period is April 1 through June 24, 1950, ended not later than June 30, 1950). You must include in net sales the value, as shown in your records, of any transfer of a commodity in that product line or category to another unit of your business. If your records do not show a value, you may not use this section for that product line or category.

(b) Find the total physical amount of each manufacturing material used in producing the commodities in that product line or category sold in that accounting period. (Note that, in contrast to Method 1, you find here the physical bill of materials used in producing the goods sold in a short accounting period; while, under Method 1, you find the aggregate quantities of materials used, i. e., put into the production process, in an annual accounting period.)

(c) Multiply this total physical amount by the dollars-and-cents change, between (1) the end of your base period and (2) December 31, 1950, in net cost to you per unit of the material used. For any material listed in Appendix B you may figure the change to March 15, 1951 and for any material listed in Appendix C you may figure the change to a current date subject to the limitations in section 21. Add together the resulting figures which represent increases in net cost. Do the same with the resulting figures which represent decreases in net cost. The difference between these totals is your increase in manufacturing materials cost. Before starting to figure the change in net cost you should read carefully the instructions contained in sections 17 through 23.

(d) Divide your increase in manufacturing materials cost derived under paragraph (c) of this section by the amount of your net sales found under paragraph (a) of this section. This percentage is referred to as your "materials cost adjustment factor."

(e) Apply your materials cost adjustment factor derived under paragraph (d) of this section to the base period price of the commodity being priced. The resulting figure is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

(f) You may use this section only if you use it for each commodity included in the product line or category.

SEC. 16a. Option to propose a method. If you have not already filed Public Form No. 8 showing computations made in accordance with the provisions of this regulation and believe that none of the four alternative methods available to you for calculating the "materials cost adjustment" can practicably be used by you, you may propose a substitute method in the manner specified in the following paragraph of this section. It is the opinion of the Director of Price Stabilization that the four methods offered provide adequate alternatives for all businesses, and a substitute plan will be considered only in exceptional cases of multi-product manufacturers whose established accounting practices and system of materials control and distribution are of such a nature as to make the use of any of the four alternative methods extremely difficult. This must be affirmatively shown in the application. Your proposed method must follow the same general techniques, definitions and limitations as the four alternative methods already provided and must achieve the same basic results.

You should submit your proposed method in writing to the Office of Price Stabilization, Washington 25, D. C., stating the reasons why you believe it appropriate and necessary, and why none of the four alternative methods can practicably be used by you, and setting forth in detail the steps to be taken under your proposed method. You may, if you prefer, submit your proposed method without actually calculating your ceiling prices under it, but you must show why the proposed method will reach the same basic results as any of the four alternative methods. Unless and until the Director of Price Stabilization approves your proposal in writing you may not use it.

[Sec. 16a added by Amdt. 26]

SPECIAL INSTRUCTIONS TO BE FOLLOWED IN CALCULATING THE MATERIALS COST ADJUSTMENT

SEC. 17. General nature of these instructions. Section 18 will apply to your calculations irrespective of which of the four alternative methods you use. Sections 19 through 23 may be applicable to you depending upon whether you are covered by certain described situations which are briefly indicated by the section heading and opening sentence of the section.

SEC. 18. How to compute the net cost to you of a manufacturing material as of a prescribed date. Under any of the four alternative methods you may use for calculating "the materials cost adjustment," you must figure the change, between prescribed dates, in the net cost to you per unit of each manufacturing material included in your calculations. (The earlier "prescribed date" is June 24, 1950, or another date depending on the base period you elected. The later "prescribed date" is December 31, 1950, March 15, 1951 or a current date as permitted by section 21). To determine the net cost to you per unit of a manufacturing material as of a prescribed date, you use the first of the following prices available to you. In no event may

the price you use be in excess of the ceiling price under a ceiling price regulation in effect on the date of issuance of this regulation. If you use paragraphs (c), (d), (e), (f), (g) or (h) of this section, you must disregard any price based upon a departure from your normal buying practices. Such a departure would include quantities smaller than those you usually purchase or contract for, or use of a more distant or different class or supplier (other than the United States), or use of subcontracted industrial services in an amount in excess of that used in your base period. For example, you must disregard any price based upon a change in your source of supply from a manufacturer to a reseller or warehouseman or from a domestic to a foreign source of supply. Likewise, you must disregard any price which is based upon a purchase of conversion steel, except as permitted in section 44.

[Sec. 18 amended by Amdt. 10]

(a) The exchange quotation for the nearest monthly contract as of the close of business on the prescribed date (or the nearest preceding date for which such a quotation is available) for any commodity traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges and you must use the quotation for both of the prescribed dates. Also you must use the same commodity exchange for both of the prescribed dates. If the commodity is one which is not itself quoted on such an exchange, but another grade of that commodity is so quoted, you may use the exchange quotation for such other grade provided you do so for both of the prescribed dates.

(b) The selling price for rubber as of the prescribed date established by an agency of the United States Government.

(c) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. If, however, the delivery was received more than 30 days prior to the prescribed date or was pursuant to a contract bearing a firm price entered into more than 60 days prior to the prescribed date, you may not use this paragraph (c). If within 30 days prior to each of the applicable prescribed dates, you received more than one delivery of the same manufacturing material, you must use an average price for each such date. You obtain this average price by dividing the net amount you paid for all deliveries of the material during each of the 30-day periods by the total number of units of the material delivered to you during each period. In obtaining this average price you should not include any delivery made pursuant to a contract bearing a firm price entered into more than sixty days prior to the prescribed date. The average price for each period is the price you use for each of the respective prescribed dates. The term "30 days" as used in this paragraph means either a period of 30 consecutive days or an accounting month customarily used by you, provided that it is the last accounting month terminating not later than the applicable prescribed

date. Where the applicable prescribed date is June 24, 1950 you may use an accounting month terminating not later than June 30, 1950.

[Paragraph (c) amended by Amdt. 3]

(d) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date, provided that it was entered into not more than 60 days prior thereto.

(e) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date provided that the offer was made within 60 days prior to the prescribed date and that you still have the written offer or obtain a copy of it from the offeror.

(f) The net price per unit of the material shown on the invoice for the last delivery of the material to you prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect the appropriate change in your cost of any material.

[Paragraph (f) added by Amdt. 10]

(g) The net price per unit of the material stipulated in the written contract for the material which you entered into last prior to the prescribed date. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (g) added by Amdt. 10]

(h) The net price per unit of the material stipulated in the written offer for sale of the material to you made last prior to the prescribed date, provided that you still have the written offer or obtain a copy of it from the offeror. You may elect not to use this pricing method if you believe that the material cost change determined under this paragraph does not reflect an appropriate change in your cost of any material.

[Paragraph (h) added by Amdt. 10]

(i) If none of the foregoing is available to you for one or both of the applicable prescribed dates, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate increase in the cost of the manufacturing materials for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the manufacturing material; you must propose the amount of increase per unit of the manufacturing material you consider appropriate based upon what you would have paid for the material if you had purchased it on each of the applicable prescribed dates; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (i) formerly Par. (f); amended by Amdt. 3, redesignated by Amdt. 10]

SEC. 19. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period or used in lesser quantities.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3, or 4 for calculating "the materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or a current date, whichever date is applicable, of the physical amounts of the materials normally used by you now. The physical amounts of those materials normally used by you in your base period and now must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 13), you may not use that method for any unit of your business in which you are now using significant quantities of a substitute material whose current unit cost is lower than the current unit cost of the material used by you during the base period. However, if the current unit cost of the substitute material is the same or higher than the current unit cost of the material used by you during the base period, you may use Method 1, but without making any allowance for the higher cost of the substitute material.

[Sec. 19 amended by Amdt. 3]

SEC. 20. *Inclusion of transportation costs in the computation of net cost of a manufacturing material as of a prescribed date.* If a quotation, invoice, contract, or written offer which you use under section 18 did not include transportation costs for delivery of the material to you, you may add the actual amount of the transportation costs which you paid or would have paid for delivery of the material to you, provided that you include them in your determination of the net price of the material as of both dates.

SEC. 21. *Calculation of the increase in net cost per unit of materials covered by Appendix C—*

(a) *General description of this section.* You will be concerned with this section only if a manufacturing material you propose to include in your calculations of "the materials cost adjustment" is one of the commodities listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950, as amended, and the same commodities produced in the territories and possessions of the United States. The following paragraphs of this section contain, among other things, special instructions

relating to the particular dates to be used in your calculations of cost increases of these commodities.

[Paragraph (a) amended by Amdt. 31]

(b) *Calculation by manufacturers of food products.* If the commodity you are pricing is a food product you may, subject to the limitations in paragraphs (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the commodities listed in Appendix C, or of any food products processed from these listed commodities.

[Paragraph (b) amended by Amdts. 16 and 31]

(c) *Calculation by manufacturers of non-food products.* (1) If the commodity you are pricing is a non-food product you may, subject to the limitations in paragraph (d) and (g) of this section, use a current date in figuring the change in net cost per unit of any of the commodities listed in Appendix C, but you must use March 15, 1951, as the date for figuring the change in net cost per unit of any products processed from those listed commodities.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed commodity, and you believe that the increase in cost to you, since March 15, 1951, of that processed product is due to an increase in the price of the listed commodity, you may apply to the Director of Price Stabilization for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed commodity. If the Director of Price Stabilization is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization, you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

[Paragraph (c) amended by Amdts. 16 and 31]

(d) *Limitations on calculations by all manufacturers; removal from listing.* After you have made your first calculations under this section, you may become entitled to increase the ceiling price of the commodity being priced, if the cost to you of a listed commodity (or product processed therefrom) has increased. However, in any event, you may not, in figuring the change in net cost of a listed commodity (or product processed therefrom), use any date subsequent to the date of deletion of the listed commodity

from Appendix C by the Director of Price Stabilization.

[Paragraph (d) amended by Amdts. 16 and 31]

(e) *Definition of "food product".* The term "food product" refers to a commodity used for, or as an ingredient in, food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

[Paragraph (e) amended by Amdt. 31]

(f) *Special provisions for cooperatives, producer-processors, etc.* (1) This subparagraph applies to you if you are a producer-processor, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraphs (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case, calculate your "materials cost adjustment" as follows: For purposes of paragraphs (b) and (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) before increasing your ceiling price.

(2) This subparagraph applies to you if you are a processor who purchases the listed commodity under "open" price or deferred payment contracts which relate the price you pay the producer to facts unknown both at the time the raw commodity is delivered to you and at the time of sale of the processed product, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity at prices finally determined at the time of sale. In that case calculate your "materials cost adjustment" as follows: For purposes of paragraph (b) or (c) of this section, use as your net cost per unit the same prices (with adjustment for differences in delivery costs) paid by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (baskets, tons, carloads, etc.), at firm prices for processing. However, you may not increase the ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

(3) This subparagraph applies to you if you are a producer-owned coopera-

tive processor, and you cannot otherwise determine your "materials cost adjustment" for a listed commodity under paragraph (b) or (c) of this section because you do not customarily purchase any amount of that commodity from independent producers wholly unaffiliated with you. In that case you may increase your ceiling price (as determined under the other sections of this regulation) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation. You may not, however, increase your ceiling price after the date set out in paragraph (d) of this section as the final date that may be used by other processors for figuring changes in net cost. In addition, you must make the report required by paragraph (g) of this section before increasing your ceiling price.

[Paragraph (f) amended by Amdts. 2, 16, and 31]

(g) *Required report.* You may not increase your ceiling price under the provisions of this section above that price initially determined pursuant to the provisions of this regulation unless and until you place in the mail a registered letter, addressed to the Director of Price Stabilization, Washington 25, D. C., containing the following information:

(1) If it is not necessary for you to use section 21 (f) in determining your ceiling prices, you report:

(i) Your existing ceiling price and the description of the commodity.

(ii) The paragraph number in section 18 of this regulation under which you compute your net cost for the manufacturing material, or a designation of the other section under which you compute your net cost.

(iii) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, used in calculating your last ceiling price under this regulation.

(iv) The net cost per unit of material, determined under the section mentioned in subdivision (ii) of this subparagraph, for the current date.

(v) The increased ceiling price.

(2) If you are a processor who uses either section 21 (f) (1) or (2) in determining your ceiling prices, you report:

(i) The name and address of your nearest competitor selected pursuant to section 21 (f) (1) or (2).

(ii) Your existing ceiling price.

(iii) Your nearest competitor's net cost per unit (for the material) last used by you in calculating under this section 21.

(iv) Your nearest competitor's net cost per unit (for the material) on the current date.

(v) The increased ceiling price.

(3) If you are a processor who uses section 21 (f) (3) in determining your ceiling prices, you report:

(i) The amount retained by you per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(ii) The amount passed back to producers per unit of the processed commodity sold in the last normal accounting period before the end of your base period.

(iii) The amount retained by you per unit of the processed commodity sold in the most recent normal accounting period.

(iv) The amount passed back to producers per unit of the processed commodity sold in the most recent normal accounting period.

[Paragraph (g) amended by Amdt. 16]

Sec. 21a. *Increases in ceiling prices initially determined under sections 30, 32, 33 or 34 to reflect increased costs of materials in Appendix C—(a) General description of this section.* You will be concerned with this section only if you determine your ceiling price for a commodity under either section 30, 32, 33 or 34 and that product is processed in whole or in part from a commodity listed in Appendix C or a product processed therefrom. Appendix C lists certain agricultural commodities selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950, as amended, and the same commodities produced in the territories and possessions of the United States. The following paragraphs of this section contain, among other things, special instructions relating to the particular dates to be used in your calculation of cost increases of these commodities.

(b) *Calculation by manufacturers of food products.* (1) This paragraph applies to you if the commodity you are pricing is a food product and the price you incur or pay for a current customary purchase of a commodity listed in Appendix C, or a food product processed from such a listed commodity, exceeds the highest price you incurred or paid during the most recent five-week period prior to the "date of calculation" (defined in paragraph (g) of this section). In that case you may (subject to the limitations in paragraphs (f) and (h) of this section) increase the ceiling price for your commodity, as determined under either section 30, 32, 33 or 34, by the dollar-and-cent difference per unit between (i) the highest price incurred or paid by you for a customary purchase during the most recent five-week period prior to the "date of calculation" of your ceiling price, and (ii) the cost to you of the most recent customary purchase. If, however, your ceiling price was determined under section 32, 33 or 34, and you made no customary purchase prior to the "date of calculation", you may (subject to the limitations in paragraphs (f) and (h)) increase the ceiling price for your commodity by the dollar-and-cent difference per unit between (i) the price you incurred or paid for your first customary purchase made between the "date of calculation" and the date you first offer your product for immediate delivery, and

(ii) the cost to you of the most recent customary purchase.

(2) If you have previously increased the ceiling price for your commodity, you may (subject to the limitations in paragraphs (f) and (h)) increase your present ceiling price for the commodity by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

(c) *Calculation by manufacturers of non-food products.* (1) This paragraph applies to you if the commodity you are pricing is a non-food product and the price you incur or pay for a current customary purchase of a commodity listed in Appendix C exceeds the highest price you incurred or paid during the most recent five-week period prior to the "date of calculation" (defined in paragraph (g) of this section). In that case you may (subject to the limitations in paragraphs (f) and (h) of this section) increase the ceiling price for your commodity, as determined under either section 30, 32, 33 or 34, by the dollar-and-cent difference per unit between (i) the highest price incurred or paid by you for a customary purchase during the most recent five-week period prior to the "date of calculation" of your ceiling price, and (ii) the cost to you of the most recent customary purchase. If, however, your ceiling price was determined under section 32, 33 or 34, and you made no customary purchase prior to the "date of calculation", you may (subject to the limitations in paragraphs (f) and (h)) increase the ceiling price for your commodity by the dollar-and-cent difference per unit between (i) the price you incurred or paid for your first customary purchase made between the "date of calculation" and the date you first offer your product for immediate delivery, and (ii) the cost to you of the most recent customary purchase.

If you have previously increased the ceiling price for your commodity, you may (subject to the limitations in paragraphs (f) and (h)) increase your present ceiling price for the commodity by the dollar-and-cent difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

(2) If the commodity you are pricing is made in whole or in substantial part from a product processed from a listed agricultural commodity, and you believe that the increase in cost to you of that processed product (above the cost upon which your initial ceiling price was based) is due to an increase in the price of the listed agricultural commodity, you may apply to the Director of Price Stabilization, Washington 25, D. C., for permission to adjust your ceiling price to reflect that increase in price. Your application must describe the commodity being priced and specify its ceiling price; and must contain a statement based upon a report from your supplier as to what portion of the increase in his price to you of that processed product is directly attributable to the increase in price of the listed agricultural commodity. If the Director of Price Stabiliza-

tion is satisfied that the information submitted by you shows that only the amount of the increase in price of the listed agricultural commodity is reflected in the adjustment you seek, he will approve your application. If, however, he is not satisfied that you have made such a showing, he may withhold approval of your application and require that you furnish additional information. If thirty days after mailing your application you have not received a reply from the Director of Price Stabilization you may sell at the adjusted ceiling price you propose until such time as you are notified otherwise by the Director.

(d) *Method for computing ceiling price increases where prices have been based customarily on commodity exchange quotations.* In case any of the commodities listed in Appendix C or products processed from them are traded regularly upon a recognized commodity exchange that maintains daily records of transactions or quotations, and if it has been both your own practice and the general practice of your industry to figure selling prices on the basis of commodity exchange quotations, the increase per unit you are entitled to add under paragraphs (b) and (c) of this section shall be the difference in dollars-and-cents between (1) the quotation upon which your initial ceiling price under section 30, 32, 33 or 34 was based, and (2) the comparable current quotation.

(e) *Special provisions for cooperatives, producer-processors, etc.* (1) If (i) you are a producer-processor, and (ii) you cannot otherwise determine your ceiling price under paragraph (b) or (c) of this section (as the case may be) because you do not customarily purchase any amount of a commodity listed in Appendix C from independent producers wholly unaffiliated with you, you may, for purposes of paragraph (b) or (c), use as your costs the prices (with adjustment for differences in delivery costs) paid for a customary purchase by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (bushels, tons, carloads, etc.), at firm prices for processing.

(2) If (i) you are a processor who purchases a commodity listed in Appendix C under "open" price or deferred payment contracts, which relate the price you pay the producer to facts unknown both at the time the raw agricultural commodity is delivered to you, and at the time of sale of your processed product, and (ii) you cannot otherwise determine your ceiling price under paragraph (b) or (c) of this section (as the case may be) because you do not customarily purchase any amount of a listed commodity at prices finally determined at the time of sale, you may, for purposes of paragraph (b) or (c), use as your costs the prices (with adjustment for differences in delivery costs) paid for a customary purchase by your nearest competitor. That competitor must be one who receives delivery of the same quality of the commodity as you do, in the same quantities (bushels, tons, carloads, etc.), at firm prices for processing.

(3) If (i) you are a producer-owned cooperative processor, and (ii) you can-

not otherwise determine your ceiling price under paragraph (b) or (c) of this section (as the case may be) because you do not customarily purchase any amount of a commodity listed in Appendix C from independent producers wholly unaffiliated with you, you may increase your ceiling price (as determined under section 30, 32, 33 or 34) for products processed from such commodities if the entire dollar-and-cent increase in total gross sales revenue derived from that increase in your ceiling price is passed back to producers within 30 days after the end of each normal accounting period. The amount so passed back must be in addition to the full amount you would normally have passed back to producers had you sold the processed product at the ceiling price determined under the other sections of this regulation.

(f) *Limitations on calculations by all manufacturers; removal from listing.* This section shall cease to apply to an agricultural commodity listed in Appendix C (and products processed therefrom) if, after consultation with the Secretary of Agriculture, the Director of Price Stabilization determines that the requirements of the Defense Production Act of 1950, as amended, are satisfied as to such commodity and removes the commodity from the list in Appendix C. At such time this section shall also cease to apply to the same listed commodity (and products processed therefrom) produced in the territories and possessions of the United States. The ceiling price for the seller of any commodity processed from any such commodity (or product processed therefrom) shall thereafter be determined under the provisions of this section and the other provisions of this regulation on the basis of the highest price incurred or paid for that commodity (or product processed therefrom) before the date of its deletion from Appendix C.

(g) *Definition of "date of calculation" and "food product"*—(1) *Date of calculation.* If your ceiling price is determined under section 30, or if it is determined under section 32 (and you are not required to file a report under that section), the "date of calculation" of your ceiling price is the date upon which you first offer the commodity or product for delivery after the effective date of this regulation. If your ceiling price is determined under either section 32 (and you are required to file a report under that section), 33 or 34, the "date of calculation" of your ceiling price is the date upon which you mail the report or application provided for in those sections.

(2) *Food product.* The term "food product" refers to a commodity used for, or as an ingredient in food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound; and fats and oils used for cooking purposes or in the preparation of food for immediate consumption.

(h) *Required report.* (1) If you are a manufacturer to whom the provisions of paragraph (b) or (c) of this section are applicable, you may not increase your ceiling price for your commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by

registered mail giving the following information:

(i) Your existing ceiling price and the description of the commodity you are pricing.

(ii) The highest price you paid or incurred for a customary purchase (or, if applicable, the commodity exchange quotation) of the commodity listed in Appendix C (or product processed therefrom) during the period (either before or after the "date of calculation") specified in paragraph (b) or (c) of this section; or, if you have previously increased your price, then the price upon which you based your existing ceiling price.

(iii) The new cost or new commodity exchange quotation of the commodity listed in Appendix C (or product processed therefrom) whichever is applicable.

(iv) The increased ceiling price.

(v) The figures substantiating the conversion of your increase in cost to the increase in the ceiling price of your commodity.

(2) If you are either a producer-processor pricing under subparagraph (e) (1) of this section, or a processor operating under "open" price or deferred payment contracts and pricing under subparagraph (e) (2) of this section, you may not increase your ceiling price for your product until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The name and address of your nearest competitor selected pursuant to subparagraph (e) (1) or (e) (2).

(ii) The highest price paid for the commodity listed in Appendix C (or product processed therefrom) by your nearest competitor during the period (before the "date of calculation") specified in paragraph (b) or (c).

(iii) The current price paid for a customary purchase of the listed commodity (or product processed therefrom) by your nearest competitor.

(iv) Your ceiling price, as determined under this regulation before application of this section 21a.

(v) Your increased ceiling price.

(vi) The figures substantiating the conversion of your increase in cost to the increase in the ceiling price of your commodity.

(3) If you are a producer owned co-operative processor pricing under subparagraph (e) (3) of this section, you may increase your ceiling price without first giving any notice but must, within 30 days after the end of each normal accounting period during which you increase your ceiling price, notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(i) The dollar-and-cent amount retained by you, per unit of the commodity you are pricing, out of the ceiling price initially determined for that commodity under section 30, 32, 33 or 34.

(ii) The dollar-and-cent amount passed back to producers, per unit of the commodity you are pricing, out of the ceiling price initially determined for that commodity under section 30, 32, 33, or 34.

(iii) The dollar-and-cent amount retained by you per unit of the commodity

you are pricing sold in the most recent normal accounting period.

(iv) The dollar-and-cent amount passed back to producers per unit of the commodity you are pricing sold in the most recent normal accounting period.

[Section 21a added by Amdt. 44]

SEC. 22. *How to calculate "the materials cost adjustment" for joint products or by-products.* This section will concern you only if you manufacture joint products or by-products. If two or more commodities result from the same manufacturing operation or from common materials and you are unable to compute the unit manufacturing materials costs for each under section 14, you calculate "the materials cost adjustment" for each as follows:

(a) Establish an appropriate combined unit of production in which are represented the several commodities in the proportions in which they result from the same manufacturing operation or from common materials. (For example, if a manufacturing operation yields, for each ton of commodity A produced, 3 gallons of commodity B and 520 pounds of commodity C, your combined unit of production could be: one ton of A, three gallons of B and 520 pounds of C; or one gallon of B, $\frac{1}{3}$ ton of A and 173.3 pounds of C; or any other combination in which the proportions among the three commodities are maintained.)

(b) Find the dollar value of the combined unit of production using base period prices for each commodity, determined in accordance with section 3. (If the base period price for commodity A was \$10 per ton, for commodity B was \$1 per gallon and for commodity C was \$0.10 per pound, the dollar value of the combined unit of production would be \$65 under the first example in (a) above and \$21.67 under the second example in (a) above.)

(c) Using the same calculations as in section 14 (substituting, of course, the combined unit of production for the unit referred to therein), compute the increase in manufacturing materials cost per combined unit of production.

(d) Divide the increase in manufacturing materials cost per combined unit of production by the dollar value of that unit as determined under paragraph (b) of this section.

(e) Apply this percentage to the base period price of each of the commodities being priced. The resulting figure for each commodity is "the materials cost adjustment" to be added to the base period price in accordance with section 3 (a).

Example: The total increase in manufacturing materials cost for the combined unit of production illustrated in paragraph (b) above, calculated in accordance with section 14, is \$13. \$13 divided by \$65 is 20 percent. Consequently, "the materials cost adjustment" for commodity A is 20 percent of \$10, or \$2 per ton; for commodity B is 20 percent of \$1, or 20 cents per gallon; and for commodity C is 20 percent of \$0.10, or 2 cents per lb.

SEC. 23. *How to calculate the change in net cost of a manufacturing material which is produced in one unit of your business and transferred to another unit of your business.* (a) You will be con-

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cerned with this section if you are a multi-unit organization and in your operations you transfer products for further processing or assembly between units of your business for which you regularly maintain separate records. By way of illustration, such transfers may be between departments, plants, branches or divisions. This section deals specifically with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing the commodity being priced. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to other persons. This section provides three methods for figuring the change in cost of a transferred material in your calculation of "the materials cost adjustment" for the commodity being priced. The method you use depends first on how you calculated "the labor cost adjustment" for the commodity being priced and second, on whether you also sell the transferred material to other persons.

(b) If you calculated "the labor cost adjustment" for the commodity being priced upon the basis of your entire business or of a unit of your business that included the unit in which the transferred material is produced, you may not in calculating the change in cost of that material include any increase in factory labor cost. Your calculation of the change in cost of the transferred material will therefore only take into account changes in the costs of the manufacturing materials directly related to the transferred material. Such change in cost of the transferred material will be included in your calculation of "the material cost adjustment" for the commodity being priced.

(c) If your calculation "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if the transferred material is one you sell to other persons, you calculate its change in cost as follows:

(1) Find its base period price (i. e., to your largest buying class of purchaser).

(2) Find its ceiling price under this regulation to your largest buying class of purchaser, or if it is not subject to this regulation, its ceiling price under the applicable ceiling price regulation.

[Subparagraph (2) amended by Amdt. 24]

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in the cost of the transferred material which you use in calculating "the materials cost adjustment" for the commodity being priced.

(d) If your calculation of "the labor cost adjustment" for the commodity being priced was not based upon your entire business or upon a unit of your business that included the unit in which the transferred material is produced and if that material is not one you sell to other persons you calculate its change in cost as follows:

(1) Find the value as shown in your records at which the transferred material was transferred, last prior to the end of your base period (i. e., the base period for the commodity being priced), to the unit of your business in which the commodity being priced is produced.

(2) Using that transfer price as your base period price, determine what the ceiling price would be under this regulation, or such other regulation as would be applicable.

(3) The difference between the figure found under (2) and that found under (1) is the increase or decrease in cost of the material to be used in calculating "the materials cost adjustment" for the commodity being priced.

Example: You are pricing a camera the lens for which you produce. The following paragraphs illustrate the application of the three methods prescribed in section 23.

(a) You have treated the department in which the camera is assembled and the department in which the lens is produced as a single unit in computing "the labor cost adjustment" for the camera. You purchase on the outside the optical glass used in the lens. "The materials cost adjustment" for the camera may include, as far as the lens is concerned, only the change in cost of the purchased optical glass.

(b) In calculating "the labor cost adjustment" for the camera you used only the assembly department. You also sell the lens to others and calculated "the labor cost adjustment" for the lens upon the basis of the lens department. Therefore, in calculating "the materials cost adjustment" for the camera, the change in cost of the lens will be the difference between your ceiling price for the lens under this regulation to your largest buying class of purchaser, and your base period price for the lens to that class of purchaser.

(c) Assume the same facts as in (b) except that you produce the lens exclusively for your own use. You must compute what the ceiling price for the lens would be under this regulation, using the value at which the transfer between departments was made on your books last prior to the end of the base period. The difference between your computed ceiling price and your base period transfer value is the amount you use in calculating "the materials cost adjustment" for the camera.

(e) If you cannot calculate the change in cost of the transferred material under the preceding paragraphs of this section, or if the use of such paragraphs would not result in an appropriate change in cost, you may apply to the Director of Price Stabilization, Washington 25, D. C., for an appropriate change in the cost of the transferred material for use in your calculations. If you make such an application, you must refer specifically to this paragraph; you must describe the commodity being priced and the transferred material; you must propose the amount of increase per unit of the transferred material you consider appropriate; you must set forth in detail supporting reasons and why this paragraph is applicable. You must file this application before using the increase you propose. Although you need not await a reply from the Director of Price Stabilization, he may at any time disapprove the increase you propose, stipulate the amount of increase which he will approve or request additional information.

[Paragraph (e) added by Amdt. 24]

SPECIAL PROVISIONS RELATING TO CEILING PRICES

SEC. 24. General nature of these provisions. Sections 25 through 29 relate to adjustments of your ceiling prices under certain circumstances. Section 25 relates to rounding ceiling prices. Section 26 relates to retention of ceiling prices established under the General Ceiling Price Regulation where the change in price is less than 1 percent. Section 27 requires that you reduce your ceiling prices to reflect any increase in the value of scrap or waste material generated in your manufacturing processes. Section 28 permits you to adjust your ceiling prices quoted on a delivered basis for certain increases in transportation costs. Section 29 provides an optional method for adjusting your ceiling prices for commodities manufactured in more than one of your plants.

SEC. 25. Rounding ceiling prices. You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

SEC. 26. Retention of GCPR ceiling price where the change in price is less than 1 percent. If your ceiling price for a commodity as determined under section 3 differs by less than 1 percent from that under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price. However, you may use this section only if you apply it to all your ceiling prices determined under section 3 differing by less than 1 percent from the GCPR ceiling prices, regardless of whether decreases or increases result. For example, your GCPR ceiling price for commodity A is \$10 and your ceiling price under section 3 is \$9.95. Your GCPR ceiling price for commodity B is \$8 and your ceiling price under section 3 is \$8.05. You may continue to use \$10 as your ceiling price for commodity A, but if you do so you must continue to use \$8 as your ceiling price for commodity B.

SEC. 27. Requirement for reduction of your ceiling prices as otherwise determined for any increase in value of scrap or waste material. (a) You will be concerned with this section if in the manufacturing process relating to the commodity being priced you generate any scrap or waste material which you sell to other persons or which is transferred from one unit of your business to another, and if, between the end of your base period and March 15, 1951, there has been an increase in the value of such scrap or waste material. However, you need not make the adjustment called

for in this section unless your sales of scrap or waste material are significant. They will be considered significant if, for the plant or other unit of your business in which the commodity being priced is produced, the value of your sales or transfers of scrap or waste material exceeded 3 percent of the total value of your sales or transfers of all commodities from that plant or unit during your most recent fiscal year ended not later than December 31, 1950.

(b) In the circumstances described in paragraph (a) of this section where your sales of scrap or waste material are significant you must make an appropriate reduction in the ceiling prices for each of the commodities resulting from your manufacturing process to reflect the dollars-and-cents amount by which the value of the scrap or waste material generated in the manufacturing process has increased between the end of your base period and March 15, 1951. In calculating this increase in value you should use a method comparable to the one you employed for your calculation of "the materials cost adjustment" for the commodity being priced. For instance, if you used Method 2 (section 14) you should calculate the increase in value of your scrap or waste material per unit of the commodity being priced; if you used Method 1 (section 13) you should calculate the increase in value of your scrap or waste material by an aggregate method. The resulting dollars-and-cents amount reflecting the increase in value of your scrap or waste material per unit must be subtracted from your ceiling price as otherwise determined under this regulation.

Sec. 28. Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs. If your base period price was, and therefore your ceiling price is, a delivered price, you may adjust your ceiling price to reflect any increase, between the end of your base period and March 15, 1951, in transportation costs incurred by you (not including warehousing charges). You may include in this adjustment only increases resulting from transportation charges paid by you to other persons (excluding any person who is an employee, subsidiary or affiliate of yours or of whom you are a subsidiary or affiliate). This adjustment is made in the following manner:

(a) Where your base period price for the commodity being priced included full transportation costs from point of shipment to point of delivery, you may adjust your ceiling price by the exact amount of the increase in transportation rates to you between such points, charged by the same carrier or class of carrier for the same class of transportation. You may not include any increase due to changing the class of carrier (e. g., from water or highway to rail) or to changing your customary method or quantity of shipment.

(b) Where your base period price was uniform within defined geographical zones but you maintained an established differential between each zone, you may calculate a transportation cost increase adjustment to be applied to the ceiling

price for sales to each zone. This calculation is made in the following manner:

(1) Find the average transportation charge paid by you for deliveries of the commodity being priced to each zone during your last accounting period of not less than three months, ended not later than the end of your base period. If your base period is April 1 through June 24, 1950, you should use your last accounting period of not less than three months, ended not later than June 30, 1950.

(2) Find what the average transportation charge paid by you for deliveries of that commodity to each zone would be, using the transportation rates actually in effect on March 15, 1951.

(3) The dollars-and-cents amount of the difference between the average transportation charge found under (2) and that found under (1) for each zone may be added to your ceiling price for sales to that zone.

(c) Where your base period price was uniform for all sales of the commodity being priced to any destination within the United States, you may calculate a single transportation cost increase adjustment to be applied to the ceiling price for all sales within the United States in the same manner as under paragraph (b) of this section, treating the United States as a single zone.

Sec. 29. Optional method for determining a uniform ceiling price for a commodity manufactured in more than one plant. If the commodity being priced is manufactured in more than one of your plants and is customarily sold by you at a uniform price, but in adjusting the base period price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during the last quarter of 1950. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity. If sales from any of your plants in the last quarter of 1950 were not substantial, you may use the last three consecutive months of substantial sales in 1950, provided that you use the same period for all your plants.

Example: You are producing the same commodity in two plants, and customarily charge the same price from each. However, due to a difference in your wage rate changes, your ceiling price for plant A is \$2.00, and for plant B is \$2.10. Sales during the last quarter of 1950 were 1500 units from plant A, and 1000 units from plant B. 1500 multiplied by \$2.00 is \$3,000; 1000 multiplied by \$2.10 is \$2,100; 1500 plus 1000 is 2500; \$3,000 plus \$2,100 is \$5,100; \$5,100 divided by 2500 is \$2.04. You may therefore use the uniform ceiling price of \$2.04 for sales from both plants.

CEILING PRICES FOR NEW COMMODITIES, NEW SELLERS AND SALES TO NEW CLASSES OF PURCHASERS

Sec. 30. Ceiling prices for new commodities differing only by reason of minor changes from commodities whose ceiling prices are established under this regula-

tion—(a) Ceiling price for a commodity first offered for sale between June 25, 1950, and the day prior to the effective date of this regulation. The ceiling price for a commodity first offered for sale by you between June 25, 1950 and the day prior to the effective date of this regulation, differing from a commodity you dealt in during the period July 1, 1949 to June 24, 1950, only by reason of a minor change in design or construction which does not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced. If the new commodity differs from the previous commodity only by reason of the use of a substitute material the new commodity must be priced under section 3.

[Paragraph (a) amended by Amdt. 6]

(b) Ceiling price for a commodity first offered for sale on or subsequent to the effective date of this regulation. The ceiling price for a commodity first offered for sale by you on or subsequent to the effective date of this regulation, differing from a commodity for which your ceiling price is established under this regulation only by reason of minor changes in material, design or construction which do not reduce unit manufacturing materials cost or prevent its offering fairly equivalent service, shall be the ceiling price for the previous commodity as established under this regulation. If you are no longer manufacturing the previous commodity, you must establish a ceiling price for it in accordance with this regulation and use that ceiling price as the ceiling price for the commodity being priced.

[Paragraph (b) amended by Amdt. 6]

Sec. 31. Optional method for determining ceiling prices for packaged commodities to reflect cost increases since your base period by changing size or quantity. This pricing method may be used in place of section 32 under the circumstances indicated herein. If you wish to use your base period price for a packaged commodity as your ceiling price and to reduce the size or quantity of that commodity to reflect any permissible cost increases since the end of your base period, you may do so in the following manner:

(a) Determine your ceiling price for the commodity in its base period size or quantity.

(b) Calculate the ratio between your base period price for the commodity and your ceiling price.

(c) Apply this ratio to the base period size or quantity of the commodity. The resulting size or quantity is the minimum for which you may use your base period price as your ceiling price. If, however, you would be able, under section 21, to recalculate your ceiling price for the commodity in its base period size or quantity, you may redetermine the minimum size or quantity under this section

for which you may use your base period price as your ceiling price. Such re-determination would be made, of course, using your ceiling price for the commodity (in its base period size or quantity) as recalculated under section 21.

[Paragraph (c) amended by Amdt. 44]

Example: Your base period price for a 10-ounce package of commodity A was 25 cents and you wish to retain that price as your ceiling price. Your ceiling price for a 10-ounce package of commodity A as determined under this regulation is 30 cents. 25 cents divided by 30 cents is 83.3 percent. 10 ounces multiplied by 83.3 percent is 8 and one-third ounces. Your ceiling price for a package of commodity A containing not less than 8 and one-third ounces is therefore 25 cents.

SEC. 32. Ceiling prices for new commodities falling within categories dealt in during your base period.—(a) *Description of the pricing method.* This section deals with a commodity which you did not sell or offer for sale between July 1, 1949, and June 24, 1950, and which you cannot price under section 30 of this regulation, but which falls within a "category" in which you dealt during your base period. You determine your ceiling price by applying to the current unit direct cost of that commodity the percentage markup over the current unit direct cost of a "comparison commodity" (using your ceiling price for the comparison commodity under this regulation), in accordance with the following instructions.

[Paragraph (a) amended by Amdt. 40 as corrected]

(b) *Current unit direct cost.* "Current unit direct cost" as used in this section means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you use the pricing method provided by this section. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(c) *Selection of a comparison commodity.* The comparison commodity to be used must be in the same category as the commodity being priced and shall be the first of the following which is available to you:

(1) A commodity dealt in during your base period differing from the commodity being priced only by reason of a minor change in size or quantity or of packaging.

(2) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and which has current unit direct cost the same or lower than that of the commodity being priced.

(3) A commodity dealt in during your base period that you are no longer man-

ufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be the same or lower than that of the commodity being priced.

(4) A commodity dealt in during your base period that you are now manufacturing which is most nearly like the commodity being priced and whose current unit direct cost is next higher to that of the commodity being priced.

(5) A commodity dealt in during your base period that you are no longer manufacturing which is most nearly like the commodity being priced and whose current unit direct cost would be next higher to that of the commodity being priced.

(d) *Calculations to determine your ceiling price.* Having selected the appropriate comparison commodity, you determine your ceiling price as follows:

(1) Determine your ceiling price for sale of the comparison commodity to your largest buying class of purchaser if you are now manufacturing it, or what it would be if you are no longer manufacturing it, under this regulation or under any supplementary regulation to this regulation, or under any general overriding regulation, whichever is applicable.

[Subparagraph (1) amended by Amdt. 40]

(2) Determine the current unit direct cost of the comparison commodity, if you are now manufacturing it, or what it would be, if you are no longer manufacturing it.

(3) Subtract the current unit direct cost derived under (2) from the ceiling price derived under (1). This will give the gross dollar margin over current unit direct cost for the comparison commodity.

(4) Divide this gross dollar margin over current unit direct cost by the current unit direct cost of the comparison commodity. This will give the percentage markup over current unit direct cost for the comparison commodity.

(5) Apply this percentage markup to the current unit direct cost of the commodity being priced. This is your ceiling price for sale of that commodity to your largest buying class of purchaser. It must be consistent in every respect with the ceiling price for the comparison commodity, i. e., it must carry your customary delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees, servicing terms and other terms and conditions of sale. Your ceiling price for sale of the commodity to each of your other classes of purchasers shall be determined in the same manner as under section 3 (c).

Example: (i) Your comparison commodity is one you are no longer manufacturing. You find that its ceiling price under this regulation would be \$10. (ii) The current unit direct cost of the comparison commodity would be \$6. (iii) \$6 subtracted from \$10 is \$4. This is the current gross dollar margin over direct cost for the comparison commodity. (iv) \$4 divided by \$6 is 66.7%. This is the percentage margin over direct costs for the comparison commodity. (v) The current unit direct cost for the commodity being priced is \$7.50. 66.7% of \$7.50 is \$5.00. \$7.50 plus \$5.00 is \$12.50. This is your ceiling price for the commodity being priced.

(e) *Category.* Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting or sales. Section 46 of this regulation continues in effect certain provisions of section 16 of the General Ceiling Price Regulation which among other things prescribes that you must prepare and preserve a list of your categories. If the list you have prepared is not representative of your categories during your base period for this regulation, you should prepare such a list by the effective date of this regulation and thereafter preserve it. In applying the pricing provisions of this section, you should refer to it. You might, for example, have a category such as one of the following; desks, office, steel; desks, office, wood; dishwashers, domestic; ranges, domestic, electric; ranges, domestic, gas; refrigerators, household; room air conditioner to 1 h/p; vacuum cleaners, domestic; washing machines, domestic.

[Paragraph (e) amended by Amdt. 6]

(f) *Required report.* (1) Before selling any commodity for which you have determined a ceiling price under this section, except as permitted under subparagraph (2) below, you must file the report required by paragraph (g) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition you may not sell the commodity until 15 days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(2) You need not prepare or file the report required by paragraph (g) of this section with the Director of Price Stabilization, if total net sales of the commodity required to be priced under this section are not expected to exceed ten thousand dollars in value; but no sales of the commodity which would result in its total net sales equaling or exceeding ten thousand dollars in value may be made until after a report has been filed. Appropriate records and work sheets relating to the computation of your ceiling prices must be preserved as prescribed in section 46.

[Subparagraph (2) added by Amdt. 3]

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 15 days after the effective date of this regulation.

[Paragraph (f) amended by Amdt. 3]

(g) *Information required in report.*

(1) *General requirements.* For all commodities except those listed in subparagraph (2) of this paragraph (g), your report shall be made upon OPS Public Form No. 128 filled out in compliance with the instructions for that form.

If the new commodity being priced is the first commodity in its category for which an OPS Public Form No. 128 is submitted, you must also file whatever base period catalogs, price lists and illustrations (photographs or drawings) are available covering base period commodities in that category. No further information other than the above catalogs, price lists and illustrations need be submitted with your OPS Public Form No. 128 if this material shows the base period price of each commodity in the category and contains a description of the characteristics of the commodity which affect its value, such as over-all dimensions, weight, type or style, construction, basic materials, finish, capacity or utility features. This description need be given only in such detail as is commonly employed in your industry, as long as it is adequate to distinguish the commodity from all others in the category.

If you are unable to submit base period price lists and catalogs containing this information, you should, nevertheless, submit whatever base period catalogs, price lists and illustrations are available on your first filing of Form No. 128 in that category. In addition, with each filing of an OPS Public Form No. 128, you must submit as to each of five base period commodities in the category involved the base period price and a description of the characteristics which affect its value. The description required is explained earlier in this subparagraph (1). The five base period commodities for which you must give this information are the three base period commodities having the next lower, and the two base period commodities having the next higher, current unit direct cost than that of the commodity being priced. If this combination of items is not available, you must in any event give this information as to the five base period commodities which come closest to meeting this requirement. If you dealt in fewer than five commodities in the category during the base period, you must submit the required information for all the commodities in the category. Once this information has been given for a base period commodity, it need not be repeated in any subsequent filing under this section, but in any such later filing, the commodities for which the required information has been previously submitted must be clearly identified.

[Subparagraph (1) amended by Amdts. 40 and 43]

(2) *For certain products.* Your report for the commodities listed at the end of this subparagraph (2) should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity,

or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to all classes of purchasers with respect to the comparison commodity.

The commodities covered by this subparagraph (2) are:

Certain rubber products and chemicals, as defined in subparagraph (3) below
Food products
Heating equipment
Plumbing fixtures, fittings, valves and equipment
Refrigeration equipment
Textile yarns, threads, twines, cordage, nets, laces and fabrics
Valves, except tire valves

[Subparagraph (2) amended by Amdts. 40 and 43]

(3) *Definitions.*—(1) *Certain rubber products.* The term "certain rubber products" as used in subparagraph (g) (2) of this section includes all the commodities coming within the categories covered by Supplementary Regulations 8, 10 and 11 to CPR 22; plastic dipped fabric gloves; and the following categories of commodities, excepting toys and sporting goods, made substantially of rubber by rubber manufacturers: Cements and liquid compounds; dipped goods; apparel not normally sewed as part of the assembly operation; sheet, slab and cut stock; industrial pressure sensitive tape; and commodities made to the buyer's specifications.

(2) *Chemicals.* The term "chemicals" as used in subparagraph (g) (2) of this section means a substance obtained by a chemical process or used for producing a chemical effect including, but not limited to, basic materials such as acids, alkalies, salts and organic chemicals; products to be used in further manufacture such as plastics materials, adhesives, dry colors, dyes and pigments; and products to be used as materials or supplies in other industries such as fertilizers, pesticides, and explosives. Not included are paints, varnishes, lacquers, animal and vegetable oils, and finished products to be used for ultimate consumption such as drugs, cosmetics, soaps, and chemical specialties comprising mechanical mixtures.

[Subparagraph (3) added by Amdt. 43]

Sec. 33. Ceiling prices for commodities in new categories, for new sellers and for sales to an entirely new class of purchaser. (a) (1) If you are pricing a commodity which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950, or which you are selling to an entirely new class of purchaser as referred to in section 3 (c) of this regulation, your ceiling price is the same as the ceiling price under this regulation of your most closely competitive seller of the same class selling the same commodity or, lacking the same, a substantially similar commodity to the same class of purchaser. A ceiling price so determined must be in line with the level of ceiling prices otherwise established by this regulation.

[Subparagraph (1) amended by Amdts. 10 and 34]

(2) Before selling any commodity for which you have determined a ceiling price under this section, you must file the report required by paragraph (b) of this section with the Director of Price Stabilization, Washington 25, D. C., and in addition, you may not sell the commodity until 15 days after mailing your report; thereafter, you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required. In the event that more information is required you may not sell until 15 days after mailing the additional information.

(3) In case, however, the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until 30 days from the date this regulation becomes effective for your most closely competitive seller of the same class selling the same commodity or, lacking the same, a substantially similar commodity to the same class of purchaser, or until 30 days from the date this regulation becomes effective as to you, whichever is later.

[Subparagraph (3) amended by Amdts. 6 and 34]

(b) *Required report.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; a description of the commodity he sells and the differences, if any, in specifications of his commodity from the one you are pricing; a statement of his ceiling price and his differentials to each of his classes of purchasers; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are selling to an entirely new class of purchaser, a description of such class of purchaser. If you are starting a new business, you should include a statement whether you or the principal owner of your business are now or during the past 12 months have been engaged in any capacity in the same or a similar business at any other establishment, and, if so, the trade name and address of each such establishment. Your report should include the following: Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing process involved; a detailed breakdown of your unit direct costs; the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation; and the types of customers to whom you will be selling.

[Paragraph (b) amended by Amdt. 34]

MISCELLANEOUS PROVISIONS

SEC. 34. Sellers who cannot price under other sections. (a) If you claim that you are unable to determine your ceiling price for a commodity under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all of the information called for under section 33 to the extent you are able to furnish it; and the method used by you to determine your proposed ceiling price. You may not sell the commodity until the Director of Price Stabilization notifies you, in writing, of your ceiling prices except as permitted in paragraphs (b) or (c).

[Paragraph (a) amended by Amdts. 3, 6, and 39]

(b) If the commodity is required to be priced under this section and prior to the effective date of this regulation, its ceiling price was determined under any other regulation, you may, after making the application prescribed in paragraph (a) of this section, continue to use that ceiling price until notified in writing by the Director of Price Stabilization of your ceiling price under this section.

[Paragraph (b) added by Amdt. 3; amended by Amdt. 39]

(c) If the commodity is required to be priced under this section and prior to the effective date of this regulation, its ceiling price was established under section 7 of the General Ceiling Price Regulation by letter order of the Director of Price Stabilization, you may continue to use that ceiling price unless and until otherwise directed by the Director of Price Stabilization and you are not required to make the application prescribed in paragraph (a).

[Paragraph (c) added by Amdt. 3; amended by Amdt. 39]

[Paragraph (d) added by Amdt. 6; deleted by Amdt. 39]

SEC. 35. Export sales. Your sales for export are subject to the provisions of this regulation.

SEC. 36. Excise, sales or similar taxes—

(a) *Where the tax is included in your selling price.* (1) If your base period price for a commodity includes any excise, sales or similar tax which is not separately stated, you must first ascertain the amount of such tax and exclude it from your base period price. Your base period price, with such tax so excluded may then be used in making any appropriate computations for determining your ceiling price. After completing the computations, you may then add on the appropriate amount of such tax for inclusion as part of your ceiling price. In the case of any reduction or elimination of such a tax subsequent to the end of your base period, you must reflect the appropriate amount of such reduction or elimination in your ceiling price. In the case of any increase in such a tax subsequent to the end of your base period, you may include the appropriate amount

of such increase as part of your ceiling price. Likewise, in the case of any similar tax first imposed subsequent to the end of your base period, you may include the appropriate amount of such tax as part of your ceiling price.

(2) If the ceiling price for a comparison commodity you are using under section 32 of this regulation includes any excise, sales or similar tax, you must in determining your percentage markup under section 32 (d) exclude the amount of such tax. After completing your computations under section 32 (d), you may then add on the appropriate amount of such tax for inclusion in your ceiling price for the new commodity.

(3) If subsequent to the establishment of any ceiling price which includes any excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling price to reflect the appropriate amount of the reduction in or elimination of such tax.

(4) If subsequent to the establishment of any ceiling price any excise, sales or similar tax is first imposed or any such tax, which had been included in your ceiling price, is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or of the increase in such tax.

(b) *Where the tax is separately stated and collected.* If it has been your practice to state and collect any excise, sales or similar tax separately from your selling price, you may, in addition to your ceiling price determined under this regulation for the same or similar commodities for which this has been your practice, collect the amount of any such tax paid as such by you. In the case of an increase in any excise, sales or similar tax or any new such tax which is not effective until after this regulation becomes effective as to you, you may, in addition to your ceiling price, if not prohibited by the tax law, state separately and collect the amount of such increase or new tax actually paid as such by you. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

[Section 36 amended by Amdt. 32]

SEC. 37. Prohibition against redetermination of ceiling prices. Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified:

(a) Increase in cost of commodities listed in Appendix C, or products processed therefrom, in accordance with section 21 or 21a of this regulation. This includes recalculations permitted under the provisions of section 31 of this regulation when costs of commodities listed in Appendix C (or products processed therefrom) increase.

[Paragraph (a) amended by Amdt. 44]

(b) Changes affecting the computation of ceiling prices resulting from amendment, supplement, revision or official interpretation of this regulation. In case

of such a redetermination you must file an amended Public Form No. 8 and such redetermination may reflect only the factors covered by the amendment, supplement, revision or official interpretation.

(c) Extension of the effective date of this regulation pursuant to Amendment 6 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by July 2, 1951.

(d) Where the base period price is used as the ceiling price without making the calculations of either of the adjustments (labor cost adjustment or materials cost adjustment) or where the ceiling price is the base period price plus only one of the adjustments. Such a redetermination shall be made by filing an amended Public Form No. 8 showing the omitted calculated adjustment or adjustments and it may reflect only the adjustment or adjustments not calculated in the filed unamended Public Form No. 8.

(e) Purely arithmetical errors, however, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization.

(f) The filing of an amended Form No. 8 under this section is subject to the provisions of section 48 of this regulation.

(g) Extension of the effective date of this regulation pursuant to Amendment 20 of this regulation. In case of such a redetermination you must file an amended Public Form No. 8 by August 13, 1951.

[Paragraph (g) added by Amdt. 20]

(h) Any new excise, sales or similar tax or any increase in any such tax, in accordance with section 36 (a) of this regulation. You need not file any report of your redetermined ceiling price unless required to do so by the Director of Price Stabilization.

[Paragraph (h) added by Amdt. 32]

SEC. 38. Modification of ceiling prices by the Director of Price Stabilization. The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation. Such downward revisions may, of course, be accompanied by upward revisions—as in a case where the Director of Price Stabilization requires an apportionment of the “materials cost increase” for a unit of your business to avoid any inequities resulting from the application of sections 13 or 16.

[Sec. 38 amended by Amdt. 3]

SEC. 39. Recalculation of ceiling prices and announcement of “materials cost increase factors.” The Director of Price Stabilization expects in due course to issue an amendment to this regulation providing for a recalculation of your ceiling prices hereunder. The primary purpose of this recalculation would be to reflect more accurately the materials prices established by this and other ceiling price regulations. The Director of Price Stabilization may also from time to time announce “materials cost increase factors” for certain materials in

order to provide greater uniformity in the calculation of their change in price since the end of your base period. These factors will be percentage figures based on studies of some categories of important basic materials and parts. If such a factor is announced, it must be used in place of any change you have had in the price of the material covered by the factor, regardless of whether the factor is higher or lower. These "materials cost increase factors" may be announced by amendments or by supplementary regulations to this regulation.

SEC. 40. Adjustable pricing. Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 41. Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 42. Supplementary regulations. The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate.

[Section 43 amended by Amdt. 20; deleted by Amdt. 36]

SEC. 44. Use of "conversion steel" in calculating the "materials cost adjustment". This section permits you to reflect in your "materials cost adjustment" increases in cost occasioned by your use of more "conversion steel" (see definition in section 47) than you used in your base period. If you elect to use this section, you must compute this increase in cost in the manner set forth in paragraph (a) of this section. You must file the report required by paragraph (b) of this section before you make the adjustment permitted by this section and reflect it in your ceiling prices. You must also recompute this increase every three months as provided in paragraph (c) of this section. Your adjusted ceiling prices shall remain in effect until you make your next recomputation of the increase and are authorized or required to readjust your ceiling prices as provided by paragraph (c) of this section. The Director of Price Stabilization may disapprove, at any time, by order, your materials cost adjustment to the extent that it reflects an increase in your cost due to your increased use of conversion steel, if he determines that this increase is not based on lawful costs, is caused by your sale of steel, or has not been calculated properly under this section. This disapproval will not be retroactive as to any deliveries made before the date of issuance of the order of disapproval.

[Above paragraph amended by Amdt. 41]

(a) **Computation of increased costs due to use of conversion steel.** You shall

compute your increased costs due to the use of conversion steel as follows:

(1) Determine the tonnage of all steel (whether conversion steel or not) which you used during the period July 1, 1949 through June 30, 1950.

(2) Determine the tonnage of conversion steel which you used during the period July 1, 1949 through June 30, 1950 and for which you did not make an additional charge during this period.

(3) Divide the tonnage found under subparagraph (2) by the tonnage found under subparagraph (1) of this paragraph.

(4) Determine the dollar amount you paid for all "conversion steel" delivered to you during the period April 1 through June 30, 1950. You shall determine this amount by totalling the amount you paid for steel mill products which you have purchased for conversion to other steel mill products; the amount you paid for converting these steel mill products to other steel mill products; and the amount paid by you for transportation of these steel mill products to the place of conversion and to your plant after conversion.

(5) Divide the dollar amount you found under subparagraph (4) of this paragraph by the total tonnage of conversion steel delivered to you during the period April 1 through June 30, 1950.

(6) Multiply the dollar amount per ton found under subparagraph (5) of this paragraph by the ratio found under subparagraph (3) of this paragraph.

(7) Determine the tonnage of all steel, other than conversion steel, which you used during the period July 1, 1949 through June 30, 1950.

(8) Determine the tonnage of all conversion steel which you used during the period July 1, 1949 through June 30, 1950 and for which you made an additional charge during that period.

(9) Add the tonnages found under subparagraphs (7) and (8) of this paragraph.

(10) Divide the tonnage found under subparagraph (9) by the tonnage found under subparagraph (1) of this paragraph.

(11) Determine your delivered cost per ton of steel, other than conversion steel, as of the end of your base period (see section 18).

(12) Multiply your cost per ton found under subparagraph (11) by the ratio found under subparagraph (10) of this paragraph.

(13) Add your costs per ton found under subparagraphs (6) and (12) of this paragraph. The result is your average cost per ton of all steel (whether conversion steel or not) as of the end of your base period.

(14) Determine the tonnage of all steel (whether conversion steel or not) which you used during the period April 1 through June 30, 1951.

(15) Determine the tonnage of conversion steel which you used during the period April 1 through June 30, 1951.

(16) Divide the tonnage found under subparagraph (15) by the tonnage found under subparagraph (14) of this paragraph.

(17) Determine the dollar amount you paid for all "conversion steel" de-

livered to you during the period April 1 through June 30, 1951.

You shall determine this amount by totalling the amount you paid for steel mill products which you have purchased for conversion to other steel mill products (not in excess of the applicable ceiling price); the amount you paid for converting these steel mill products to other steel mill products (not in excess of the applicable ceiling price); and the amount paid by you for transportation of these steel mill products to the place of conversion and to your plant after conversion. However, you may not use as your total cost of any conversion steel an amount in excess of 200 percent of the current mill price for the same steel. The term "current mill price" means the delivered price, in carload lots, which the steel mill producer, from whom you purchased the greatest tonnage of steel during the period July 1, 1949 through June 30, 1950, has in effect. If you did not purchase any steel mill products from any steel mill producer during this period, you shall use the delivered price, in carload lots, which the steel mill producer nearest to you has in effect.

(18) Divide the dollar amount you find under subparagraph (17) of this paragraph by the total tonnage of "conversion steel" delivered to you during the period April 1 through June 30, 1951.

(19) Multiply your cost per ton found under subparagraph (18) by the ratio found under subparagraph (16) of this paragraph.

(20) Determine the tonnage of all steel, other than conversion steel, which you used during the period April 1, through June 30, 1951.

(21) Divide the tonnage found under subparagraph (20) by the tonnage found under subparagraph (14) of this paragraph.

(22) Determine your delivered cost per ton of steel, other than conversion steel, as of March 15, 1951 (see section 18).

(23) Multiply your cost per ton found under subparagraph (22) by the ratio found under subparagraph (21) of this paragraph.

(24) Add your costs per ton found under subparagraphs (19) and (23) of this paragraph.

(25) Subtract your average cost per ton of steel as of the end of your base period, found under subparagraph (13), from your average cost per ton of steel found under subparagraph (24) of this paragraph. The result is the dollars and cents change in net cost per ton of all steel which you may use in calculating your materials cost adjustment under the applicable provisions of this regulation.

(b) **Report.** Before you reflect the adjustment permitted by paragraph (a) of this section in your ceiling prices you must file a report, by registered mail, with the Office of Price Stabilization, Washington 25, D. C. This report shall contain the following information (The report may be filed on a copy of Form OPS 92):

(1) A statement describing the nature of your manufacturing operations and, particularly the commodities in which conversion steel is used.

(2) A detailed statement establishing separately the amount of all steel, other than conversion steel, all conversion steel for which you made an additional charge, and all conversion steel for which you did not make an additional charge, which you used during the period July 1, 1949 through June 30, 1950 and during the period April 1 through June 30, 1951.

(3) A statement showing the total tonnage received and total dollar amount you paid for each specification of steel (whether conversion steel or not) delivered to you during the periods April 1 through June 30, 1950, and April 1 through June 30, 1951. Also state the total tonnage and the total dollar amount you received for each specification of steel (whether conversion steel or not) which you sold during each of these periods.

(4) Your increase in cost of steel calculated in accordance with the provisions of this section.

(c) *Recomputation.* If you elect to use this section, you must recompute your increased costs, due to the use of conversion steel, on October 1, 1951, and every three months thereafter. You shall make this recomputation in accordance with the method set forth in paragraph (a) of this section, except that you shall use your experience during the three months immediately preceding the date as of which the recomputation is required, instead of using your experience during the period April 1 through June 30, 1951. If this recomputation results in a greater increase in your ceiling prices than that previously determined by you under this section, you may use this greater increase. If this recomputation results in a lesser increase in your ceiling prices than that previously determined by you under this section, you must use this lesser increase.

Within thirty days after each required recomputation you must file a report of the recomputation, by registered mail, with the Office of Price Stabilization, Washington 25, D. C. This report shall contain the information required by paragraph (b) of this section, except that it shall contain the required information for the three months period for which you made the required recomputation.

(d) *Adjustable pricing.* Where you have not computed the increase in your ceiling price permitted by this section, you may sell or deliver a commodity at a price which may be adjusted upwards in accordance with the provisions of this section. If you do so the price at which the commodity is sold or delivered must be determined in accordance with the applicable provisions of this regulation, except this section. Final settlement shall be made at a price not in excess of the ceiling price determined in accordance with the applicable provisions of this regulation, including this section. Also, your computation of the increase in price of the commodity permitted by this section must be made for the calendar quarter immediately preceding the calendar quarter in which you deliver the commodity.

[Section 44 amended by Amdt. 28]

SEC. 45. Temporary adjustments to carry out existing contracts—(a) *Who may apply for adjustment.* If at any time prior to the issuance date of this regulation, you entered into a bona fide contract for delivery of a commodity at a firm price subsequent to the effective date of this regulation, and if your ceiling price as determined under this regulation is lower than the contract price, you may apply to the Director of Price Stabilization for an adjustment of your ceiling price, *Provided:*

(1) The contract for future delivery was required by seasonal demands or normal business practices.

(2) The contract, if entered into subsequent to January 26, 1951, called for deliveries at a price which was lawful under ceiling price regulations in effect at that time.

(3) You acquired needed raw materials or component parts after the date of the contract at lawful prices in reliance upon and in order to fulfill the terms of the contract.

(b) *Calculation of the amount of the adjustment.* The adjusted ceiling price will be fixed in the following way:

(1) Take the total price of the quantity of raw materials or component parts acquired in reliance upon, and necessary in order to fulfill, the contract.

(2) Compute what the total price of the same quantity of raw materials or component parts would be as of the later of the two applicable prescribed dates used for your calculation of "the materials cost adjustment". In computing what that total price would be, you will, of course, apply the provisions of section 18.

(3) Subtract the figure arrived at in subparagraph (2) from the figure in subparagraph (1). The result is the total amount of the adjustment. If the figure arrived at in subparagraph (1) is no higher than that arrived at in subparagraph (2), you cannot apply for adjustment under this section.

(4) Divide the total amount of the adjustment by the number of units of the commodity called for by the contract. This gives you the adjustment per unit of the commodity. If the contract calls for the delivery of more than one commodity, the total amount of the adjustment may be distributed in any appropriate way among the several commodities.

(5) Add the adjustment per unit of the commodity under (4) to your ceiling price for that commodity. The result is your adjusted ceiling price. In no event, however, may you obtain an adjusted ceiling price higher than the contract price.

Example: You contracted in January 1951 to supply a mail order house 1,000 units of a commodity at \$10.00 per unit, delivery to be made during the months of June, July, and August of 1951. Your ceiling price under this regulation is \$9.00. In order to comply with the terms of your contract, you purchased raw material sufficient to produce 600 units at a total cost of \$4,200. The cost of acquiring the same raw material as of December 31, 1950 (the later of the two applicable dates used in your calculation of "the materials cost adjustment") would be \$3,500. The total adjustment is \$700 (\$4,200 minus

\$3,500 equals \$700). The total number of units called for in the contract was 1,000. Divide \$700 by 1,000. This gives you 70¢. The adjustment per commodity becomes 70¢ and your adjusted ceiling price for the contract \$9.70. Subsequent sales to the contract purchaser and all sales to other purchasers must be at the regular ceiling price of \$9.00.

(c) *What your application must contain.* Applications for adjustment under this section must be filed on or before September 4, 1951, with the Director of Price Stabilization, Washington 25, D. C. Attached to the application should be the following:

1. A copy of the contract;
2. Copies of invoices covering the raw materials or component parts acquired in reliance upon and in order to fulfill the contract;
3. Copies of invoices or other supporting data which indicate your net cost as of the later of the two applicable dates you used in computing "the materials cost adjustment";
4. A copy of the worksheets used in the calculation of your ceiling price.
5. A report of your adjusted ceiling price and a detailed calculation showing how this price was arrived at.

[Paragraph (c) amended by Amdt. 20]

(d) *Action on your application.* You may not receive payment of any amount in excess of your ceiling price until 30 days after receipt by the Director of Price Stabilization of any application filed under this section. If the Director of Price Stabilization does not revise or modify the adjusted ceiling price reported by you or notify you that further information is required, you may after these 30 days have elapsed receive payment at the adjusted ceiling price for all deliveries made since the date of filing. The Director may, however, at any time revise or modify the adjusted ceiling price, but such revision or modification will not apply to deliveries already made. The 30-day waiting period shall include each day subsequent to the date of receipt of the application by the Director of Price Stabilization regardless of the date on which the application was received by him.

[Paragraph (d) amended by Amdt. 20]

SEC. 46. Records and reports—(a) *Record keeping requirements.* (1) With respect to any commodity covered by this regulation the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made as a result of sales between January 26, 1951, and the effective date of this regulation.¹

¹ The portions of the General Ceiling Price Regulation here referred to applicable to manufacturers, are as follows:

Sec. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. * * *

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. * * *

(2) (i) You shall prepare and preserve for the life of the Defense Production Act of 1950 and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including (but not limited to) records showing base period prices and material and labor costs, and records showing costs, prices, and sales for the other applicable periods and dates referred to in the regulation.

(ii) The records to be preserved under this paragraph must include appropriate work sheets. Appendix E contains suggested work sheets for the more important calculations required under this regulation. The work sheets to be preserved may be in the form shown in the appendix; they may be in any other convenient form so long as they include all data and calculations required to determine your ceiling prices.

(3) You shall preserve for a period of two years all records showing the prices at which sales of commodities subject to the regulation have been made.

(b) *Reports*—(1) You must file with the Office of Price Stabilization, Washington 25, D. C., on or before the effective date of this regulation, one or more reports on Public Form No. 8 in accordance with the instructions which are a part of that form. Copies of the form may be obtained from any Regional or District Office of the Office of Price Stabilization. This Public Form No. 8 is shown in Appendix D. If you report a ceiling price for any commodity higher than your ceiling price under the General Ceiling Price Regulation, you must file your report by registered mail and you must wait until you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your Public Form No. 8 before selling as provided in section 48.

[Paragraph (1) amended by Amdt. 35]

(2) The Director of Price Stabilization may from time to time require addi-

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog.

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(b) *Current records*. If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period.

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951.

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tional information or reports subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

SEC. 47. *Definitions and explanations*. Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

[Above sentence added by Amdt. 3]

Category. This term is defined in section 5.

Class of purchaser or purchaser of the same class. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

"Conversion steel". This term means steel mill products which have been obtained by the consumer in consequence of the consumer or some other person having furnished, directly or indirectly, to one or more steel producers or converters, steel mill products in a less finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot rolled sheets in coils, for the express purpose of procuring such steel mill products.

[Above paragraph added by Amdt. 28]

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Director of Price Stabilization. This term also applies to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

End of your base period. This term means June 24, 1950, if your base period is April 1 through June 24, 1950, or if you elected a previous calendar quarter as your base period in accordance with section 4, it means the last day of that quarter. If, however, you have elected different base periods for different commodities or categories in accordance with sections 4 or 5, the date you will use

as the end of your base period is determined as follows:

(a) If you are calculating "the labor cost adjustment" or "the materials cost adjustment" upon the basis of a unit of your business, and your base period is the same for all commodities produced in that unit, the last day of that base period is the end of your base period.

(b) If you are calculating "the labor cost adjustment" upon the basis of your entire business or of a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected which covers the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the labor cost adjustment."

(c) If you are calculating the "materials cost adjustment" upon the basis of your entire business or a unit of your business and your base period for all of the commodities being priced is not the same, the last day of the particular base period you have elected for the group of commodities having the largest aggregate dollar volume of sales in calendar or fiscal year 1950 is the end of your base period for your calculation of "the materials cost adjustment."

(d) If you are calculating "the materials cost adjustment" for a commodity under method 2 (section 14) or method 3 (section 15) the end of your base period is the last day of the particular base period you are using.

Largest buying class of purchaser. This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months' duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

Manufacturer. This term includes a producer, processor, assembler, finisher, printer or fabricator. You are not a manufacturer unless you substantially change the form of some commodity or commodities, combine two or more commodities into a different one, or create a new commodity from existing ones. If you merely package, label, market, promote, or sell a commodity or combine commodities without substantially changing their form, you are not a manufacturer. If you merely perform an industrial service for the account of others on a commodity you are not a manufacturer with respect to such a commodity. If you merely rebuild, recondition, renovate, renew or otherwise restore a used commodity, you are not a manufacturer with respect to such commodity.

[Last sentence above added by Amdt. 18]

Manufacturing material. This term is explained in section 10.

Most closely competitive seller of the same class. Your most closely competi-

live seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

Net cost or net price. Each of these terms refers to the cost or price to you of a manufacturing material less any discount (other than a customary cash discount) or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

[Last sentence above added by Amdt. 3]

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

Plant. This term refers to a single physical location where business is conducted or industrial operations are performed, for example, a factory or a mill. If such a single physical location comprises two or more units, with separate payroll and inventory records, engaged in distinct industrial activities, each unit shall be treated as a plant.

This definition of "plant" is based on the definition of "a manufacturing establishment" in the Standard Industrial Classification which is consistent with that used by the Bureau of Census in the 1947 Census of Manufactures and subsequent surveys.

Product line. This term is explained in section 15.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sale at retail. Sale at retail means any sale to an ultimate consumer other than a commercial, industrial, governmental or institutional user.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

Service. This term includes any service rendered or supplied, otherwise than by an employee.

Written offer or written offer for sale. Each of these terms refers to an offer for sale made by means of the seller's price list or, if he had no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Your ceiling price as determined under this regulation. This term includes a ceiling price determined under CPR 22 or any supplementary regulations to CPR 22, unless the context clearly excludes from its meaning a price determined under a supplementary regulation to CPR 22.

[Above paragraph added by Amdt. 33]

SEC. 48. Prohibitions. (a) On and after the effective date of this regulation, regardless of any contract or other obligation, (1) you shall not sell any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation, and (2) no person shall buy from you in the regular course of business or trade any commodity subject to this regulation at a price exceeding your ceiling price as determined under this regulation.

(b) On and after the effective date of this regulation you shall not sell any commodity subject to this regulation unless you have complied with the report requirements of sections 21, 32, 33, or 46, whichever is applicable. The waiting periods prescribed in sections 21, 32, and 33 shall include each day subsequent to the date of mailing of the application to the Director of Price Stabilization, regardless of the date on which the application was mailed.

[Paragraph (b) amended by Amdts. 16 and 20]

(c) In the event your ceiling price for a commodity under this regulation is higher than your ceiling price under the General Ceiling Price Regulation (except when you raise your price, pursuant to section 21, above that price initially calculated under this regulation) you shall not sell that commodity at a price exceeding your ceiling price under the General Ceiling Price Regulation, except under the following conditions:

[Above paragraph amended by Amdt. 16]

(1) You must send by registered mail a report, relating to that commodity, on Public Form No. 8 (shown in Appendix D) to the Director of Price Stabilization, Washington 25, D. C. Copies of this form can be obtained from any Regional or District office of the Office of Price Stabilization.

(2) As soon as you receive your return postal receipt confirming receipt by the Office of Price Stabilization of your report on Public Form No. 8, you may deliver that commodity at your ceiling price as determined under this regulation, unless and until notified by the Director of Price Stabilization to continue using your GCPR ceiling price, or such higher ceiling price as he may permit, either because your ceiling price proposed under this regulation has been disapproved in whole or in part, or because more information is required.

[Subparagraph (2) amended by Amdts. 20 and 35]

[Subparagraph (3) deleted by Amdt. 35]

SEC. 48a. Transfers of business or stock in trade. If the business, assets or stock

in trade are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

[Sec. 48 (a) added by Amdt. 3]

SEC. 49. Charges lower than ceiling prices. Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 50. Evasion. Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 51. Violation—(a) Civil and criminal action. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

[Title amended by Amdt. 3]

(b) **Violations of record-keeping and reporting requirements.** If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing ceiling prices for the commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

[Paragraph (b) added by Amdt. 3]

NOTE.—The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

By: JOSEPH L. DWYER,
Recording Secretary.

APPENDIX A

This regulation does not apply to the commodities and transactions listed below. Most of such commodities and transactions are covered by some other price regulation.

(a) General exemptions: (1) Sales of commodities, the ceiling prices of which are now or are subsequently established by any numbered regulations of the Office of Price Stabilization.

(2) Sales of commodities exempt from the ceiling price provisions of the General Ceiling Price Regulation under sections 5, 6, 7, 8, and 9 of Supplementary Regulation 1 to the General Ceiling Price Regulation (Defense Agency Pricing).

(3) Sales of commodities, the ceiling prices of which are now or may subsequently be exempted from price control by any General Over-Riding Regulation.

(b) General commodity categories:

1. All raw agricultural products.

2. Stumpage, logs, pulpwood, and other raw forest products.

3. Gas, electricity, and steam.

4. All scrap and waste materials.

5. All repair or replacement parts when sold by the manufacturer of the assembled article in the repair of which such parts are designed to be used.

(c) The following food and kindred products:

(1) All meats, except dry sausage and sterile canned meats.

[Subparagraph (1) amended by Amdt. 3]

(2) Sausage, except dry.

(3) Lard.

(4) Rabbits and dressed and ready-to-cook poultry, including turkeys.

[Subparagraph (4) amended by Amdt. 3]

(5) Dairy products—for the purpose of this regulation, dairy products shall include milk and butterfat and products manufactured or processed in a dairy plant from either milk or butterfat when the milk solids content of the product is greater than the solids content of any other ingredient except sugar; and shall also include water ices (a product composed of water, sugar, flavoring and stabilizer) prepared in bulk, package form, or in the form of a stick confection.

[Subparagraph (5) amended by Amdt. 16]

(6) All canned, frozen, and dried seasonal (meaning products packed at time of harvest from agricultural commodities having a stable seasonal pattern) fruits, berries, and vegetables, and their juices.

(7) Canned soups and baby foods.

(8) Sales by grain millers or processors, as defined in Supplementary Regulation 18, of the following human food products and feeds or feed ingredients:

(i) These human food products: Flour, as defined in Supplementary Regulation 18 (except cake flour in packages of 5 pounds or less, and prepared flour mixes), semolina (as defined by the Federal Security Agency), farina (as defined by the Federal Security Agency), enriched farina (as defined by the Federal Security Agency), corn meal, corn grits, hominy grits, brewers' grits, pearl barley, malt and other processed barleys.

(ii) Animal or poultry feeds when milled or processed from a single one of the following grains: Wheat, corn, flaxseed, oats, rye, barley and grain sorghums; and the following feed or feed ingredient by-products: distillers' dried products, distillers' dried grains, distillers' solubles, distillers' dried grains with solubles, distillers' specialty products, brewers' dried grains, malt dried grain, malt cleanings, malt hulls and malt sprouts.

[Subparagraph (8) amended by Amdt. 25]

(9) Mixed feeds as defined in General Ceiling Price Regulation, Supplementary Regulation 7.

(10) Soybean oil meal, as defined in General Ceiling Price Regulation, Supplementary Regulation 3.

(11) Cottonseed cake, meal and hulls.

[Subparagraph (11) amended by Amdt. 3]

(12) Fish scrap, fish meal, fish solubles, and specialty fish feed products.

(13) Dog and cat food with fifteen percent or less moisture.

(14) Rice as defined in Ceiling Price Regulation 12.

(15) Frozen and perishable bakery product items within the following product categories: Bread and bread-type rolls; cakes, cookies and pastries; sweet yeast raised goods; doughnuts and crullers (all types); and pies; but not including semi-perishable dry bakery products such as crackers, biscuits, pretzels or such cookies baked by a manufacturer of semi-perishable dry bakery products as are exempt from Ceiling Price Regulation 135.

[Subparagraph (15) amended by Amdt. 46]

(16) Sugar beet pulp and sugar and liquid sugar (as defined in the Sugar Act of 1948).

[Subparagraph (16) amended by Amdts. 3 and 9]

(17) Chewing gum.

(18) Soft drinks.

(19) Malt beverages.

(20) Wines.

(21) Distilled spirits.

(22) Frozen eggs, dried eggs and liquid eggs.

[Subparagraph (22) amended by Amdt. 3]

(23) Inedible molasses.

[Subparagraph (23) amended by Amdt. 9]

(24) All salmon and salmon products, in any form; and all other fish, shellfish, seafood, and the products thereof, except when sterilized in hermetically sealed containers.

[Subparagraph (24) added by Amdt. 13]

(25) Ice.

[Subparagraph (25) added by Amdt. 19]

(26) No. 2 grade shelled peanuts (except No. 2 grade edible shelled peanuts) and all grades of shelled peanuts below the No. 3 grade. (The grades of shelled peanuts are defined by the United States Department of Agriculture.)

[Subparagraph (26) added by Amdt. 37]

(d) All tobacco products.

(e) The following textile mill products:

(1) All wool fibers which have been processed beyond the scouring stage.

(2) Wool yarn and fabrics as defined in Ceiling Price Regulation 18, together with all other yarns and fabrics containing 25% or more wool by weight, however manufactured.

(3) Soft surface floor coverings which are either entirely made of wool or which, regardless of what material is employed, are woven on a chenille, wilton, velvet or axminster loom or are produced by the manufacturing process that produces punched felt. Ceiling prices for these floor coverings are established by Supplementary Regulation 11, Revision 2, to the General Ceiling Price Regulation.

(f) (1) Apparel, apparel furnishings or apparel accessories, except as specifically stated below, made of textile materials, leather, fur, plastic, other materials which are normally sewed as part of the assembly operation, or a combination of any such materials; (2) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings or apparel accessories. Plastic dipped fabric gloves are not excepted by this paragraph.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves (but not including plastic dipped fabric gloves), handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, brief cases and luggage, plastic dipped fabric gloves.

[Paragraph (f) amended by Amdts. 7 and 42]

(g) The following lumber and wood products:

(1) Lumber, plywood, veneers, shooks, millwork, wood containers, clothespins, wood excelsior, wood excelsior pads, ties, posts, poles, piling, shuttle blocks, picker stick blanks, wagon and implement woodstock and wood parts such as, doubletrees, wagon tongues, neck yokes and wagon spokes.

(2) Other allied wood products including "turned wood products" (meaning any soft wood or hardwood lumber products which have been turned on a cutting machine or passed through a dowel machine) or "shaped wood products" (meaning any soft wood or hardwood lumber products which have been shaped on a pattern or cutting machine) such as unassembled furniture parts, handles, wooden skewers, wooden heels and lasts, wedgies, wood shanks for shoes and shoe pegs.

(3) However, this regulation does apply to wooden products which are completed and ready for ultimate household, recreational or farm use. Such completed products are not exempt under this paragraph unless they are specifically covered by subparagraphs (1) or (2) of this paragraph. A product is considered "completed and ready for ultimate household, recreational or farm use" within the meaning of this paragraph, even though it must still be painted, lacquered, varnished or upholstered, or subjected to further processing not affecting basic utility, but necessary for consumer acceptance or purchase.

Examples of commodities not included within the exemption of this paragraph are the following wood products: Furniture, assembled furniture frames, brooms, mops, carpet sweepers, toys, games, baseball bats, bowling pins, checkers, chess men, billiard cues, drumsticks, golf tees, wooden spoons, wooden bowls, toothpicks, rolling pins, potato mashers, medical applicators, stapleders, wooden coat hangers, picture frames, caskets, coffins and wooden matches.

[Paragraph (g) amended by Amdt. 10]

(h) Books, magazines, motion pictures, periodicals, newspapers, maps, charts, and globes.

(i) The following chemicals and allied products:

- (1) Crude and synthetic rubber.
- (2) Synthetic textile fibers and yarns.
- (3) Fermentation ethyl alcohol, acetone, and butyl alcohol.

(4) Synthetic butyl alcohol made from fermentation ethyl alcohol.

(5) Cosmetics, proprietary drug products, and drugs and medicines of the kind listed in Major Group 65, *Standard Commodity Classification, Technical Paper No. 28, Volume 1, United States Government Printing Office, 1943*, except those commodities (such as phenol U. S. P., aluminum sulfate and magnesium sulfate) which manufacturers generally sell principally for non-medicinal uses.

[Subparagraph (5) amended by Amdt. 10]

- (6) Household soaps and cleansers as defined in Ceiling Price Regulation 10.
- (7) Natural and synthetic glycerin.
- (8) Soap stock, raw and acidulated.
- (9) Fatty acids which occur in vegetable and animal oils in the form of glyceride esters, such as stearic, palmitic, oleic and lauric acids.

[Subparagraph (9) amended by Amdt. 10]

(10) Shellac gum and metallic waterproofing compounds.

[Subparagraph (10) amended by Amdt. 12]

- (11) Naval stores.
- (12) All natural gums and resins.
- (13) All vegetable waxes.
- (14) All natural dyeing materials.
- (15) All essential or distilled oil.
- (16) Fats and oils for which ceiling prices are provided in Ceiling Price Regulation 6.
- (17) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels.	Olive oil, edible, sulphur and other inedible.
Babassu oil.	
Cacao butter.	Ouricury kernels.
Cashew nut shell liquid.	Ouricury oil.
Castor beans.	Palm kernel oil.
Castor oil.	Palm kernels.
Cocconut oil.	Palm oil.
Cohune kernels.	Perilla seeds.
Cohune oil.	Perilla seed oil.
Copra.	Poppyseed.
Coquito kernels.	Poppyseed oil.
Coquito oil.	Rapeseed.
Corozo kernels.	Rapeseed oil.
Corozo oil.	Rubberseed.
Hempseed.	Rubberseed oil.
Hempseed oil.	Sesame oil.
Kapok seed.	Sesame seed.
Kapok seed oil.	Sunflower seed.
Muru-muru kernels.	Sunflower seed oil.
Muru-muru oil.	Tucum kernels.
Oiticica oil.	Tucum oil.

- (18) Whale oil.
- (19) Sperm oil.
- (20) Fish oils, including cod oil and shark oil.
- (21) Peanut oil.
- (22) Rice bran oil.
- (23) Oleo stock, oil and stearins.
- (24) Inedible tallows, greases, and fat-bearing and oil-bearing animal waste materials as defined in Ceiling Price Regulation 6, Amendment 2.
- (25) Wool grease.
- (26) Glue stock.
- (27) Casein.
- (28) Cotton linters.
- (29) Sodium silicofluoride.
- (30) Sulphur.
- (31) Butadiene derived from non-petroleum sources.

(32) Carbon black of channel, furnace and thermal types.

(33) The following commodities when derived from hardwood distillation: pyroligneous acid, acetic acid, acetate of lime, methyl alcohol and wood tar products.

[Subparagraphs 29, 30, 31, 32 and 33 added by Amdt. 23]

(34) *Polyvinyl chloride resins.* The term means any polymer or co-polymer whose main constituent is vinyl chloride in the amount of not less than fifty percent by weight and which is a raw material intended for further processing. Polyvinyl chloride resins include the above polymers or co-polymers in the forms of resins, latices, color master batches, and compounded resins in powder, or granular forms, but do not include films, sheets, rods, tubes, plastisols or applied coatings.

[Subparagraph 34 added by Amdt. 30]

(j) Crude petroleum and petroleum fuels and lubricants, including petroleum coke when used as fuel, and natural gas.

(k) Coke, coal chemicals, coke oven gas, as defined in General Ceiling Price Regulation, Supplement 13.

(l) Bituminous coal, anthracite coal, coal briquettes, charcoal, and fuel processed from anthracite or bituminous coal.

(m) Cattle hide, kips, and calfskins, as defined in Ceiling Price Regulation 2.

(n) Hogskins, woolskins, sheep and lamb shearings, pickled lambskins, pickled sheepskins, horsehides, deerskins, alligator skins, and snakeskins.

(o) Leather, tanned and finished and leather cut stock.

[Paragraph (o) amended by Amdt. 14]

(p) Footwear, except rubber footwear.

(q) The following specified building materials:

(1) Cement, including standard Portland Cement; special Portland Cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland Cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

(2) Ready-mixed Portland cement concrete.

(3) Calcined gypsum plasters, not including finished products produced therefrom.

(4) Lime (construction, metallurgical, chemical, agricultural, refractory).

(5) Sand, gravel, crushed stone and slag, both aggregates and industrial.

(6) Light weight aggregates.

(7) Asphaltic concrete and bituminous paving mixes.

(8) Roofing granules, natural and artificial.

[Paragraph (q) amended by Amdt. 3]

(r) Primary metals, metallic alloys, metallic oxides (except titanium dioxide), and metallic by-products, specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (r) amended by Amdts. 3, 17, and 38]

(s) All secondary metals and scrap.

(t) All metal powders, specifically including powders containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (t) amended by Amdt. 17]

(u) All metallic ores.

(v) (1) All non-metallic minerals which are obtained from their natural state solely by mechanical means such as grinding, washing, leaching, classification, flotation, evaporation, dehydration and the like. The term does not include commodities which are obtained by refining or purification processes involving recrystallization or chemical

methods including carbonation, ionic interchange and similar methods.

(2) The exceptions provided in subparagraph (1) of this paragraph do not apply to the following:

(i) *Dimension and Building Stones as follows:* Basalt and related stones. Granite: Building, ornamental and monumental. Greenstone: Interior, or exterior building, structural, ornamental, and monumental. Limestone: Building, ornamental, and monumental. Marble: Slabs—buildings, structural, and decorative; ornamental and monumental marble; grave vaults. Sandstone: Building, structural, ornamental, floor and flagging (including bluestone and brownstone). Slate: Structural, electrical, grave vaults, mausoleum, roofing, floor, and flagging.

(ii) *Monuments and Memorials* of granite, greenstone, limestone, marble and sandstone.

[Paragraph (v) amended by Amdts. 3 and 10]

(w) All cast, rolled, drawn, or extruded metals and alloys which have not been further fabricated, except cast iron soil pipe and fittings, cast iron water and gas pipe and fittings, and valve and pipe fittings, but specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

[Paragraph (w) amended by Amdts. 3 and 17]

(x) Fabricated structural steel and steel plate and fabricated reinforcing bars, except metal lath and metal lath accessories (including cold rolled channels).

[Paragraph (x) amended by Amdt. 3]

(y) Passenger automobiles, as defined in Ceiling Price Regulation 1.

(z) Wood-cased and paper-wrapped lead pencils.

(aa) Precious stones and precious jewelry. A "precious stone" means a natural pearl, diamond, ruby, sapphire, or emerald. The term "precious stone" also includes any other genuine stone, including a semi-precious stone, any synthetic stone, or any cultured pearl or group of cultured pearls (combined in a single article), when the selling price for any such item by the cutter, wholesale dealer or importer is \$25.00 or more. "Precious jewelry" means any article or mounting, a component part of which is a "precious stone" (or "precious stones") as defined above, when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article.

[Paragraph (aa) amended by Amdt. 10]

(bb) Paintings, sculptures, and other works of art.

(cc) Merchant clays, as listed and described in the Bureau of Mines, U. S. Department of the Interior, current "Minerals Yearbook."

(dd) The following iron and steel products: Wire rope and strand; wire (barbed and twisted); wire fence (woven or welded); wire netting; nails (cut and wire); staples; wire bale ties; fence posts; steel screen wire cloth, welded wire concrete reinforcing mesh; hoops, baling bands, and cotton ties; formed roofing and siding; valley, ridge roll, and flashing; welded pipe and tubing; rails and track accessories.

(ee) Glass containers and closures for glass containers except rubber closures and novelty closures not used by commercial bottlers or packers.

[Paragraphs (cc), (dd), (ee) added by Amdt. 3]

(ff) Woodpulp.

[Paragraph (ff) added by Amdt. 5]

(gg) Decorative paper gift dressings produced for over-the-counter sale for special occasions during 1951, including but not

limited to enclosure cards, tags, seals, plain and printed gift wrap papers, labels and gift money envelopes, which are usually but not necessarily pre-packaged, and usually but not necessarily bear printed price and count identification on the package. Not included are so-called Christmas and similar special occasion greeting cards.

[Paragraph (gg) amended by Amdt. 11]

(hh) Decorative Christmas tree lighting sets.

[Paragraph (hh) added by Amdt. 45]

APPENDIX B

With respect to the following manufacturing materials, the change in net cost may be calculated up to March 15, 1951.

1. All commodities listed in Appendix A, as amended, under paragraph (b) and all succeeding paragraphs.

[Paragraph 1 amended by Amdt. 10]

2. Wood pulp, paper, paperboard, and converted paper and paperboard products.

3. All imported materials, when purchased from a foreign supplier, or from a seller in the United States in substantially the same form as that in which imported (except for services normally performed by importers such as sorting or packaging), or after simple processing operations only, such as wool scouring.

4. All jute products containing more than 50 per cent by weight of jute.

5. All industrial services.

6. Metal containers when used for processed foods, and metal closures for all containers when used for processed foods.

[Paragraph 6 added by Amdt. 4]

7. Upholstery felt made of cotton linters or cotton waste, and sisal pads.

[Paragraph 7 added by Amdt. 8]

8. Paints, varnishes and lacquers.

[Paragraph 8 added by Amdt. 18]

9. Chocolate liquor.

[Paragraph 9 added by Amdt. 22]

10. All yarns and fabrics made from any natural or synthetic textile fiber or filament when such yarns and fabrics are used by converters, finishers, dyers, and throwsters.

[Paragraph 10 added by Amdt. 29]

APPENDIX C

With respect to the following agricultural commodities, and the following commodities produced in the territories and possessions of the United States, and products processed therefrom, a current date may be used in calculating the change in net cost to you, subject to the limitations imposed in section 21:

[Above paragraph amended by Amdt. 31]

Fruits:	
Apples	Olives
For canning	For canning
For drying	Crushed for oil
Apricots	Oranges and tangerines
For canning	Peaches
Dried	For canning
Avocados	Clingstone
Blackberries	Freestone
Boysenberries	Dried
Cherries	Pears
Sweet	For canning
Sour	Dried
Cranberries	Pineapples, Florida
Dates	Plums
Figs for canning	For fresh consumption
Grapes, excluding raisins dried	For canning
Grapefruit	Raspberries, black
Lemons	Raspberries, red
Limes	Youngberries
Loganberries	

Tree-nuts:

Almonds
Filberts

Pecans
Walnuts

Livestock and Livestock Products:

Butterfat
Chickens
Eggs

Milk, wholesale
Turkeys
Beeswax

Field Crops:

Barley
Beans, dry edible
Buckwheat
Corn
Flaxseed
Hay
Oats

Peanuts
Peas, dry field
Rye
Sorghums for grain
Wheat

Sugar crops:

Maple sirup
Maple sugar
Sorghum sirup

Sugar beets
Sugarcane
Sugarcane sirup

Vegetables:

Artichokes
Beans, Lima
Beans, snap
Beets
Cabbage
Cantaloupe
Carrots
Cauliflower
Celery
Corn, sweet
Eggplant
Garlic

Kale
Lettuce
Onions
Peas, green
Peppers, green
Pimientos
Shallots
Spinach
Tomatoes
Watermelon
Potatoes
Sweet Potatoes

Tobacco:

Flue-cured; types 11, 14
Burley-type 31
Cigar filler and binder types 42-44, 46, 51-55
Cigar wrapper, type 61
Cigar wrapper, type 62
Dark air-cured, types 35-36
Fire cured, types 21-24
Maryland types, 32
Pennsylvania seedleaf type 41
Sun cured, type 37

Miscellaneous:

Popcorn
Honey
Hops

Peppermint Oil
Spearmint Oil
Tung nuts

[App. C amended by Amdts. 3 and 9]

APPENDIX D

This appendix contains a facsimile of OPS Public Form 8, "Manufacturer's Price Adjustment Report," required to be filed under sections 46 and 48 of this regulation. Printed copies of this form are available at OPS District and Regional Offices.

INSTRUCTIONS FOR COMPLETING OPS PUBLIC FORM NO. 8

Who Must File

Every manufacturer subject to CPR 22 must file this report by the mandatory effective date of the regulation, or such earlier effective date on or after May 28, 1951, as he may select, as required by sections 46 and 48 of the regulation.

[Above sentence amended by Amdts. 6, 20 and 21]

Where Shall the Report Be Filed

Mail to Office of Price Stabilization, Washington 25, D. C. Use registered mail if Item 8 is completed.

Why Must the Report Be Filed

This report is designed to inform OPS of adjustments of pre-Korean prices and of proposed ceiling price increases.

How Many Copies Shall Be Filed

A single copy of this report is to be filed for each category or product line, even though the actual price computations have been arrived at by a method applying to a larger unit of your business. Reporting by categories or product lines is needed to facilitate classification and analysis. Many

companies will report only one product line. (See instruction for Item 1 below.)

How To Complete the Form

(Make sure to read the regulation and refer to Appendix E for worksheets.)

ITEM 1. DESCRIBE THE CATEGORY OR PRODUCT LINE COVERED BY THIS REPORT. A "category" is defined in the regulation (Section 5) as "a group of commodities which are normally classed together in your industry for purposes of production accounting or sales." Examples of categories would be: wood office desks; domestic vacuum cleaners; domestic washing machines.

A "product line" is defined in the regulation (Section 15 (a) (1)) as "a group of closely related commodities which differ in such respects as style, model, or size and which are normally classed together as a product line in your industry. Generally speaking, each commodity in the same product line must serve the same purpose and must be made by the same manufacturing process from substantially the same materials." Examples of product lines would be: wringer type washing machines; felt mattresses; ball-point pens.

If the same product line or category was produced by more than one plant and sold at different base period prices, a separate report must be made for each plant and the plant indicated in completing this item.

ITEM 2. GIVE THE DATES OF THE BASE PERIOD USED. "Base period" refers to the period April 1 through June 24, 1950 or any previous calendar quarter ended not earlier than September 30, 1949 which you may elect to use. (See Section 4.)

ITEM 3. ESTIMATED 1950 DOLLAR SALES. Enter in this item the estimated 1950 dollar sales for all the commodities which are included in the category or product line for which the report form is being prepared.

ITEM 4. LABOR COST ADJUSTMENT FACTOR. Enter here the labor cost adjustment factor used pursuant to section 8 (e) or 9 (b) of the regulation. Note that it is the adjustment factor rather than the adjustment which is desired here. The adjustment factor is always a percentage which is applied to the sales or price figure to yield the dollars and cents labor cost adjustment. If you calculated a separate "labor cost adjustment" for each unit of your business enter the labor cost adjustment factor for the unit which produces the category or product line covered by the report.

ITEM 5. MATERIALS COST ADJUSTMENT FACTOR. If either of methods 1, 3, or 4 has been used for the commodities in this category or product line, you will have arrived at a materials cost adjustment factor under section 13 (d), 15 (c), or 16 (d). This adjustment factor is a percentage to be applied to the sales figure to arrive at the materials cost adjustment.

If you have used method 2, which provides for a separate analysis of material cost for each individual commodity, you will have no "materials cost adjustment factor" but only a dollars and cents "materials cost adjustment" (Section 14 (c)) to be added to the base period price. Give the adjustment figure for a selected commodity, which should be the best selling commodity of the category or product line. Show the actual base period price and identify the commodity.

ITEM 6. PRICE ADJUSTMENT RATIO. You may choose to preserve the price relationships established by the General Ceiling Price Regulation. In this case, you will have arrived at a "price adjustment ratio" under Supplementary Regulation 2 to this regulation. Enter here the ratio which will be applied uniformly to GCPR prices.

ITEM 7. CERTIFICATION REGARDING PROPOSED CEILING PRICE INCREASES OVER GENERAL CEILING

RULES AND REGULATIONS

PRICE REGULATION. All manufacturers filing this report must complete items 1-6 of the report and sign the certification even though they are not reporting any proposed ceiling price increases in item 8.

ITEM 8. PROPOSED CEILING PRICE INCREASES. (a) Identify the commodity in sufficient detail comparable to that which a fully completed invoice would show. Identify also the physical unit to which the proposed ceiling price refers (for example, pound, dozen, piece).

(b) Give here sufficient information to show the nature of the price computed: largest buying class of customer, delivery terms, cash and other discounts and other important terms and conditions of sale.

(c) Estimated sales in 1950 should be only for the specific commodity for which there is a proposed ceiling price increase, but should include sales to all customers.

(d) Insert the base period price to the largest buying class of purchaser which you determined for the commodity in accordance with Section 6 of the regulation.

(e) Indicate your GCPR price for the commodity.

(f) Indicate the proposed ceiling price as calculated under the provisions of this regulation.

(g) Divide the proposed ceiling price (column (f)) by the GCPR price (column (e)). This will indicate the percentage price increase over the GCPR price which is being proposed.

(h) If you used method 2 for calculating the materials cost adjustment separately for each commodity included in the category or product line covered by this report, then you must show here the materials cost adjustment obtained for the commodity for which a proposed ceiling price increase is shown. If you used method 1, 3 or 4 no entry is required in this column since the adjustment factor shown in item 5 of the report will apply.

ITEM 9. CODE NUMBER. (a) When you complete this form, insert in the box in the upper right-hand corner the appropriate 6-digit code for the category or product line covered by the report. Determine the code applicable to your report from the list of codes given below.

(b) The first two digits represent the OPS price branch concerned with your category or product line and the next four digits represent the industry class in the Standard Industrial Classification now widely used by private as well as Government agencies.

(c) Your careful selection of the appropriate 6-digit code from the list will expedite the sorting, classification, and analysis of the forms upon receipt in this office.

(d) Although a number of commodity classifications not subject to CFR-22 are included in the codes, Appendix A is nevertheless controlling as to commodities and transactions exempt from CFR-22.

NOTE: If prior to May 4, 1951, the date of issuance of this amendment, you mailed to the Office of Price Stabilization, Washington 25, D. C., Public Form No. 8, you need not mail another form relating to the same category or product line solely for the purpose of inserting the code.

LIST OF CODES TO BE USED BY MANUFACTURERS IN CODING ITEM 1 (CATEGORY OR PRODUCT LINE) ON PUBLIC FORM 8

FOOD AND KINDRED PRODUCTS

- 26-2011 Meat packing.
- 31-2012 Custom slaughtering.
- 26-2013 Sausages and other prepared meat products.
- 26-2014 Sausage casings.
- 27-2015 Poultry and small game dressing and packing.
- 32-2021 Creamery butter.
- 32-2022 Natural cheese.

- 32-2023 Condensed and evaporated milk.
- 32-2024 Ice cream and ices.
- 32-2025 Special dairy products.
- 26-2031 Canned sea food.
- 26-2032 Cured fish.
- 23-2033 Canned fruits, vegetables, and soups; preserves, jams, and jellies.
- 23-2034 Dried and dehydrated fruits and vegetables.
- 23-2035 Pickled fruits and vegetables; vegetable sauces and seasonings, salad dressings.
- 23-2037 Frozen fruits, vegetables, and sea foods.
- 24-2041 Flour and other grain-mill products.
- 24-2042 Prepared feeds for animals and fowls.
- 24-2043 Cereal preparations.
- 24-2044 Rice cleaning and polishing.
- 24-2045 Blended and prepared flour.
- 24-2051 Bread and other bakery products (except biscuit, crackers, and pretzels).
- 24-2052 Biscuit, crackers, and pretzels.
- 25-2061 Cane sugar (except refining only).
- 25-2062 Cane-sugar refining.
- 25-2063 Beet sugar.
- 25-2071 Candy and other confectionery products.
- 25-2072 Chocolate and cocoa products.
- 25-2073 Chewing gum.
- 25-2081 Bottled soft drinks and carbonated waters.
- 25-2082 Malt liquors.
- 25-2083 Malt.
- 25-2084 Wines.
- 25-2085 Distilled, rectified, and blended liquors.
- 25-2091 Baking powder, yeast, and other leavening compounds.
- 22-2092 Shortening and other cooking and edible fats and oils, not elsewhere classified.
- 22-2093 Oleomargarine.
- 25-2094 Corn sirup, corn sugar, corn oil, and starch.
- 25-2095 Flavoring extracts and flavoring sirups, not elsewhere classified.
- 25-2096 Vinegar and cider.
- 25-2097 Manufactured ice.
- 25-2098 Macaroni, spaghetti, vermicelli, and noodles.
- 25-2099 Food preparations, not elsewhere classified.

TOBACCO MANUFACTURES

- 25-2111 Cigarettes.
- 25-2121 Cigars.
- 25-2131 Tobacco (chewing and smoking) and snuff.
- 25-2141 Tobacco stemming and redrying.

TEXTILE MILL PRODUCTS

- 52-2211 Scouring and combing plants.
- 52-2221 Yarn mills.
- 52-2222 Yarn throwing mills.
- 52-2223 Thread mills.
- 52-2231 Broad-woven fabric mills (cotton, silk, and synthetic fiber).
- 52-2232 Broad-woven fabric mills (woolen and worsted).
- 52-2241 Narrow fabrics and other small-ware mills (cotton, wool, silk and synthetic fiber).
- 53-2251 Full-fashioned hosiery mills.
- 53-2252 Seamless-hosiery mills.
- 53-2253 Knit outerwear mills.
- 53-2254 Knit underwear mills.
- 53-2255 Knit glove mills.
- 52-2256 Knit-fabric mills.
- 52-2259 Knitting mills, not elsewhere classified.
- 52-2261 Dyeing and finishing textiles (except woolen and worsted textiles and knit goods).
- 52-2262 Dyeing and finishing woolen and worsted goods.
- 73-2271 Wool carpets, rugs, and carpet yarn.

- 73-2273 Carpets, rugs, and mats from fiber (except wool).
- 73-2274 Linoleum, asphalted-felt-base, and other hard-surface floor coverings, not elsewhere classified.
- 53-2281 Fur-felt hats and hat bodies.
- 53-2282 Wool-felt hats and hat bodies.
- 53-2283 Straw hats.
- 53-2284 Hatters' fur.
- 54-2291 Felt goods (except woven felts and hats).
- 73-2292 Lace goods.
- 73-2293 Paddings and upholstery filling.
- 52-2294 Processed waste and recovered fibers.
- 93-2295 Artificial leather, oilcloth, and other impregnated and coated fabrics (except rubberized).
- 52-2296 Linen goods.
- 52-2297 Jute goods (except felt).
- 53-2298 Cordage and twine.
- 52-2299 Textile goods, not elsewhere classified.

APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

- 53-2311 Men's, youths', and boys' suits, coats, and overcoats.
- 53-2312 Suit and coat findings.
- 53-2321 Men's, youths', and boys' shirts (except work shirts), collars, and nightwear.
- 53-2322 Men's, youths', and boys' underwear.
- 53-2323 Men's, youths', and boys' neckwear.
- 53-2325 Men's, youths', and boys' cloth hats and caps.
- 53-2326 Hat and cap materials.
- 53-2327 Men's, youths', and boys' separate trousers.
- 53-2328 Work shirts.
- 53-2329 Men's, youths', and boys' work, sport, and other clothing, not elsewhere classified.
- 53-2331 Women's and misses' blouses and waists.
- 53-2333 Women's and misses' dresses.
- 53-2334 Household apparel.
- 53-2337 Women's and misses' suits, coats (except fur coats), and skirts.
- 53-2338 Women's neckwear and scarfs.
- 53-2339 Women's and misses' outerwear, not elsewhere classified.
- 53-2341 Women's, misses', children's, and infants' underwear and nightwear.
- 53-2342 Corsets and allied garments.
- 53-2351 Millinery.
- 53-2361 Children's and infants' dresses.
- 53-2363 Children's and infants' coats.
- 53-2369 Children's and infants' outerwear, not elsewhere classified.
- 53-2371 Fur goods.
- 53-2381 Dress and semidress gloves and mittens (fabric, fabric and leather combined).
- 53-2382 Work gloves and mittens (fabric, fabric and leather combined).
- 53-2383 Suspenders, garters, and related products.
- 53-2384 Robes and dressing gowns.
- 53-2385 Raincoats and other waterproof outer garments.
- 53-2386 Leather and sheep-lined clothing.
- 53-2387 Belts.
- 53-2388 Handkerchiefs.
- 53-2389 Apparel, not elsewhere classified.
- 73-2391 Curtains and draperies.
- 73-2392 Housefurnishings (except curtains and draperies).
- 52-2393 Textile bags.
- 73-2394 Canvas products.
- 53-2395 Pleating, stitching, and tucking for the trade.
- 53-2396 Trimmings, stamped arts goods, and art needlework.
- 53-2397 Schiffli-machine embroideries.
- 53-2398 Embroideries, except Schiffli-machine.
- 73-2399 Fabricated textile products, not elsewhere classified.

LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)

- 12-2411 Logging camps and logging contractors.
- 12-2421 Sawmills and planing mills, general.
- 12-2422 Veneer mills.
- 12-2423 Shingle mills.
- 12-2424 Cooperage stock mills.
- 12-2425 Excelsior mills.
- 12-2429 Special-product sawmills, not elsewhere classified.
- 12-2431 Millwork plants.
- 12-2432 Plywood plants.
- 12-2433 Prefabricated wooden buildings and structural members.
- 12-2441 Fruit and vegetable baskets.
- 74-2442 Rattan and willow ware (except furniture and fruit and vegetable baskets).
- 12-2443 Cigar boxes.
- 12-2444 Wooden boxes (except cigar boxes).
- 12-2445 Cooperage.
- 12-2491 Wood preserving.
- 12-2492 Lasts and related products.
- 74-2493 Mirror frames and picture frames.
- 74-2499 Wood products, not elsewhere classified.

FURNITURE AND FIXTURES

- 73-2511 Wool household furniture, except upholstered.
- 73-2512 Wood household furniture, upholstered.
- 73-2513 Reed and rattan furniture.
- 73-2514 Metal household furniture.
- 73-2515 Mattresses and bedsprings.
- 73-2519 Household furniture, not elsewhere classified.
- 72-2521 Wood office furniture.
- 72-2522 Metal office furniture.
- 72-2531 Public-building and related furniture.
- 72-2532 Professional furniture.
- 72-2541 Partitions, shelving, lockers, and office and store fixtures.
- 42-2561 Window and door screens and weather strip.
- 73-2562 Window shades.
- 73-2563 Venetian blinds.
- 72-2591 Restaurant furniture.
- 73-2599 Furniture and fixtures, not elsewhere classified.

PAPER AND ALLIED PRODUCTS

- 13-2611 Pulp mills.
- 13-2612 Paper and paperboard mills (except building-paper and building-board mills).
- 13-2613 Building-paper and building-board mills.
- 13-2641 Paper coating and glazing.
- 13-2651 Envelopes.
- 13-2661 Paper bags.
- 13-2671 Paperboard boxes: folded, set-up, and corrugated.
- 13-2674 Fiber cans, tubes, drums, and similar products.
- 13-2691 Die-cut paper and paperboard; and cardboard.
- 13-2693 Wall paper.
- 13-2694 Pulp goods, pressed and molded.
- 13-2699 Converted paper products, not elsewhere classified.

PRINTING, PUBLISHING, AND ALLIED INDUSTRIES

- 13-2711 Newspapers.
- 13-2721 Periodicals.
- 13-2731 Books: publishing, publishing and printing.
- 13-2732 Book printing.
- 13-2741 Miscellaneous publishing.
- 13-2751 Commercial printing.
- 13-2761 Lithographing.
- 13-2771 Greeting cards.
- 13-2781 Bookbinding.
- 13-2782 Blankbook making and paper ruling.
- 13-2783 Library and loose-leaf binder manufacturing.
- 13-2789 Miscellaneous work related to book-binding.

- 13-2791 Typesetting.
- 13-2792 Engraving and plate printing.
- 13-2793 Photoengraving.
- 13-2794 Electrotyping and stereotyping.

CHEMICALS AND ALLIED PRODUCTS

- 93-2811 Sulfuric acid.
- 93-2812 Alkalies and chlorine.
- 93-2819 Industrial inorganic chemicals, not elsewhere classified.
- 64-2821 Cyclic (coal-tar) crudes.
- 93-2822 Intermediates, dyes, color lakes, and toners.
- 93-2823 Plastics materials and elastomers, except synthetic rubber.
- 92-2824 Synthetic rubber.
- 52-2825 Synthetic fibers.
- 93-2826 Explosives.
- 93-2829 Industrial organic chemicals, not elsewhere classified.
- 93-2831 Biological products.
- 93-2832 Botanical products.
- 93-2833 Inorganic and organic medicinal chemicals.
- 93-2834 Pharmaceutical preparations.
- 22-2841 Soap and glycerin.
- 22-2842 Cleaning and polishing preparations.
- 22-2843 Sulfonated oils and assistants.
- 42-2851 Paints, varnishes, lacquers, japans, and enamels.
- 93-2852 Inorganic color pigments.
- 42-2853 Whiting, putty, wood fillers, and allied paint products.
- 93-2861 Hardwood distillation.
- 93-2862 Softwood distillation.
- 93-2863 Gum naval stores.
- 93-2864 Natural dyeing materials.
- 93-2865 Natural tanning materials.
- 24-2871 Fertilizers (manufacturing and mixing).
- 24-2872 Fertilizers (mixing only).
- 22-2881 Cottonseed oil mills.
- 22-2882 Linseed oil mills.
- 22-2883 Soybean oil mills.
- 22-2884 Vegetable oil mills, not elsewhere classified.
- 22-2885 Marine animal oils.
- 22-2886 Grease and tallow.
- 22-2887 Fatty acids.
- 22-2889 Animal oils, not elsewhere classified.
- 93-2891 Printing ink.
- 93-2892 Essential oils.
- 93-2893 Perfumes, cosmetics, and other toilet preparations.
- 93-2894 Glue and gelatin.
- 93-2895 Bone black, carbon black, and lamp black.
- 93-2896 Compressed and liquefied gases.
- 24-2897 Insecticides and fungicides.
- 93-2898 Salt.
- 93-2899 Chemicals and chemical products, not elsewhere classified.

PRODUCTS OF PETROLEUM AND COAL

- 63-2911 Petroleum refining.
- 64-2931 Beehive coke ovens.
- 64-2932 Byproduct coke ovens.
- 42-2931 Paving mixtures and blocks.
- 42-2932 Roofing felts and coatings.
- 64-2991 Fuel briquets and packaged fuel.
- 63-2992 Lubricating oils and greases not made in petroleum refineries.
- 63-2999 Products of petroleum and coal, not elsewhere classified.

RUBBER PRODUCTS

- 92-3011 Tires and inner tubes.
- 92-3021 Rubber footwear.
- 92-3031 Reclaimed rubber.
- 92-3099 Rubber industries, not elsewhere classified.

LEATHER AND LEATHER PRODUCTS

- 54-3111 Leather tanning and finishing.
- 44-3121 Industrial leather belting and packing.
- 54-3131 Boot and shoe cut stock and findings.
- 54-3141 Footwear (except house slippers and rubber footwear).

- 54-3142 House slippers.
- 53-3151 Dress and semidress leather gloves.
- 53-3152 Leather work gloves and mittens.
- 74-3161 Suitcases, briefcases, bags, trunks, and other luggage.
- 53-3171 Women's handbags and purses.
- 74-3172 Small leather goods.
- 54-3192 Saddlery, harness, and whips.
- 54-3199 Leather goods, not elsewhere classified.

STONE, CLAY AND GLASS PRODUCTS

- 42-3211 Flat glass.
- 42-3221 Glass containers.
- 74-3229 Pressed and blown glass and glassware, not elsewhere classified.
- 74-3231 Glass products made of purchased glass.
- 42-3241 Cement, hydraulic.
- 42-3251 Brick and hollow tile.
- 42-3253 Floor and wall tile, except quarry tile.
- 42-3254 Sewer pipe.
- 42-3255 Clay refractories.
- 42-3259 Structural clay products, not elsewhere classified.
- 42-3261 Vitreous and semivitreous plumbing fixtures.
- 74-3262 Vitreous-china table and kitchen articles.
- 74-3263 Fine earthenware (whiteware) table and kitchen articles.
- 42-3264 Porcelain electrical supplies.
- 74-3265 China decorating for the trade.
- 74-3269 Pottery products, not elsewhere classified.
- 42-3271 Concrete products.
- 42-3272 Gypsum products.
- 42-3274 Lime.
- 42-3275 Mineral wool.
- 44-3291 Abrasive products.
- 42-3292 Asbestos products.
- 42-3293 Steam and other packing, and pipe and boiler covering.
- 43-3294 Natural graphite: ground, refined, or blended.
- 43-3295 Minerals and earths: ground or otherwise treated.
- 43-3296 Sand-lime brick, block and tile.
- 43-3297 Nonclay refractories.
- 43-3298 Statuary and art goods (factory production).

PRIMARY METAL INDUSTRIES

- 43-3311 Blast furnaces.
- 43-3312 Steel works and rolling mills.
- 43-3313 Electrometallurgical products.
- 43-3321 Gray-iron foundries.
- 43-3322 Malleable-iron foundries.
- 43-3323 Steel foundries.
- 43-3331 Primary smelting and refining of copper.
- 43-3332 Primary smelting and refining of lead.
- 43-3333 Primary smelting and refining of zinc.
- 43-3334 Primary refining of aluminum.
- 43-3335 Primary refining of magnesium.
- 43-3339 Primary smelting and refining of nonferrous metals, not elsewhere classified.
- 43-3341 Secondary smelting and refining of nonferrous metals and alloys.
- 43-3351 Rolling, drawing, and alloying of copper.
- 43-3352 Rolling, drawing, and alloying of aluminum.
- 43-3359 Rolling, drawing, and alloying of nonferrous metals, not elsewhere classified.
- 43-3361 Nonferrous foundries.
- 43-3391 Iron and steel forgings.
- 43-3392 Wire drawing.
- 43-3393 Welded and heavy-riveted pipe.
- 43-3399 Primary metal industries, not elsewhere classified.

FABRICATED METAL PRODUCTS (EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT)

- 43-3411 Tin cans and other tinware.
- 74-3421 Cutlery.
- 74-3422 Edge tools.

- 74-3423 Hand tools (except edge tools, machine tools, files, and saws).
 74-3424 Files.
 74-3425 Hand saws and saw blades.
 74-3429 Hardware, not elsewhere classified.
 42-3431 Enameled-iron and metal sanitary ware and other plumbers' supplies.
 42-3432 Oil burners, domestic and industrial.
 42-3439 Heating and cooking apparatus (except electric), not elsewhere classified.
 42-3441 Fabricated structural steel and ornamental metal work.
 42-3442 Metal doors, sash, frames, molding, and trim.
 44-3443 Boiler shop products.
 42-3444 Sheet-metal work.
 74-3451 Vitreous-enameled products.
 45-3452 Automobile stampings.
 44-3463 Stamped and pressed metal products (except automobile stampings).
 43-3464 Powder metallurgy.
 44-3465 Enameling, japanning, and lacquering.
 44-3466 Galvanizing and other hot-dip coating.
 74-3467 Engraving on metal.
 44-3468 Electroplating, plating, and polishing.
 42-3471 Lighting fixtures.
 43-3481 Nails and spikes.
 43-3489 Wirework, not elsewhere classified.
 43-3491 Metal shipping barrels, drums, kegs, and pails.
 72-3492 Safes and vaults.
 44-3493 Steel springs.
 43-3494 Bolts, nuts, washers, and rivets.
 43-3495 Screw-machine products.
 43-3496 Collapsible tubes.
 43-3497 Gold, silver, tin, aluminum, and other foil.
 74-3499 Fabricated metal products, not elsewhere classified.

MACHINERY (EXCEPT ELECTRICAL)

- 44-3511 Steam engines, turbines, and water wheels.
 44-3519 Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified.
 44-3521 Tractors.
 44-3522 Agricultural machinery (except tractors).
 44-3531 Construction, mining and similar machinery (except oil-field machinery and tools).
 44-3532 Oil-field machinery and tools.
 44-3541 Machine tools.
 44-3542 Metalworking machinery (except machine tools).
 44-3543 Machine-tool accessories, other metalworking-machinery accessories, and machinists' precision tools.
 44-3551 Food-products machinery.
 44-3552 Textile machinery.
 44-3553 Woodworking machinery.
 44-3554 Paper-industries machinery.
 44-3555 Printing-trades machinery and equipment.
 44-3559 Special-industry machinery, not elsewhere classified.
 44-3561 Pumps, air and gas compressors, and pumping equipment.
 44-3562 Elevators and escalators.
 44-3563 Conveyors and conveying equipment.
 44-3564 Blowers, exhaust and ventilating fans.
 44-3565 Industrial trucks, tractors, trailers, and stackers.
 44-3566 Mechanical power-transmission equipment (except ball and roller bearings).
 44-3567 Industrial furnaces and ovens.
 42-3568 Mechanical stokers, domestic and industrial.

- 44-3569 General industrial machinery and equipment, not elsewhere classified.
 72-3571 Computing machines and cash registers.
 72-3572 Typewriters.
 72-3575 Vending, amusement, and other coin-operated machines.
 72-3576 Scales and balances.
 72-3579 Office and store machines and devices, not elsewhere classified.
 72-3581 Domestic laundry equipment.
 44-3582 Commercial laundry, dry-cleaning, and pressing machines.
 72-3583 Sewing machines.
 72-3584 Vacuum cleaners.
 72-3585 Refrigerators, refrigeration machinery, and complete air-conditioning units.
 45-3586 Measuring-and-dispensing pumps.
 72-3589 Service-industry and household machines, not elsewhere classified.
 44-3591 Valves and fittings (except plumbers' valves).
 42-3592 Fabricated pipe and fittings.
 44-3593 Ball and roller bearings.
 44-3599 Machine shops (jobbing and repair).

ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

- 44-3611 Wiring devices and supplies.
 44-3612 Carbon and graphite products for use in the electrical industry.
 44-3613 Instruments for indicating, measuring, and recording electrical quantities and characteristics.
 44-3614 Motors, generators, and motor-generator sets.
 44-3615 Power and distribution transformers.
 44-3616 Switchgear, switchboard apparatus, and industrial controls.
 44-3617 Electrical welding apparatus.
 44-3619 Electrical equipment for industrial use, not elsewhere classified.
 72-3621 Electrical appliances.
 44-3631 Insulated wire and cable.
 44-3641 Electrical equipment for motor vehicles, aircraft, and railway locomotives and cars.
 74-3651 Electric lamps.
 74-3661 Radios, radio and television equipment (except radio tubes), radar and related detection apparatus, and phonographs.
 44-3662 Radio tubes.
 74-3663 Phonograph records.
 44-3664 Telephone and telegraph equipment.
 44-3669 Communication equipment, not elsewhere classified.
 44-3691 Storage batteries.
 44-3692 Primary batteries (dry and wet).
 44-3693 X-ray and therapeutic apparatus and non-radio electronic tubes.
 74-3699 Electrical products, not elsewhere classified.

TRANSPORTATION EQUIPMENT

- 45-3711 Motor vehicles.
 45-3712 Passenger-car bodies.
 45-3713 Truck and bus bodies.
 45-3714 Motor-vehicle parts and accessories.
 45-3715 Truck trailers.
 45-3716 Automobile trailers (for attachment to passenger cars).
 44-3721 Aircraft.
 44-3722 Aircraft engines and engine parts.
 44-3723 Aircraft propellers and propeller parts.
 44-3729 Aircraft parts and auxiliary equipment, not elsewhere classified.
 44-3731 Ship building and repairing.
 74-3732 Boat building and repairing.
 44-3741 Locomotives and parts.
 44-3742 Railroad and street cars.
 45-3751 Motorcycles, bicycles, and parts.
 74-3799 Transportation equipment, not elsewhere classified.

PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

- 72-3811 Laboratory, scientific, and engineering instruments (except surgical, medical, and dental).
 44-3821 Mechanical measuring and controlling instruments.
 72-3831 Optical instruments and lenses.
 72-3841 Surgical and medical instruments.
 72-3842 Surgical and orthopedic appliances and supplies; and personal safety devices, not elsewhere classified.
 72-3843 Dental equipment and supplies.
 72-3851 Ophthalmic goods.
 74-3861 Photographic equipment and supplies.
 74-3871 Watches, clocks, and parts (except watchcases).
 74-3872 Watchcases.

MISCELLANEOUS MANUFACTURING INDUSTRIES

- 74-3911 Jewelry (precious metal).
 74-3912 Jewelers' findings and materials.
 74-3913 Lapidary work.
 74-3914 Silverware and plated ware.
 74-3931 Pianos.
 74-3932 Organs.
 74-3933 Piano and organ parts and materials.
 74-3939 Musical instruments, parts, and materials, not elsewhere classified.
 73-3941 Games and toys (except dolls, and children's vehicles).
 73-3942 Dolls.
 74-3943 Children's vehicles.
 74-3949 Sporting and athletic goods, not elsewhere classified.
 72-3951 Pens, mechanical pencils, and pen points.
 72-3952 Lead pencils and crayons.
 72-3953 Hand stamps, stencils, and brands.
 72-3954 Artists' materials.
 72-3955 Carbon paper and inked ribbons.
 74-3961 Costume jewelry and costume novelties (except precious metal).
 74-3962 Feathers, plumes, and artificial flowers.
 74-3963 Buttons.
 74-3964 Needles, pins, hooks and eyes, and similar notions.
 74-3971 Fabricated plastics products, not elsewhere classified.
 74-3981 Brooms and brushes.
 42-3982 Cork products.
 13-3983 Matches.
 74-3984 Candles.
 93-3985 Fireworks and pyrotechnics.
 74-3986 Jewelry cases and instrument cases.
 74-3987 Lamp shades.
 72-3988 Morticians' goods.
 72-3991 Beauty-shop and barber-shop equipment.
 54-3992 Furs, dressed and dyed.
 72-3993 Signs and advertising displays.
 74-3994 Hair work.
 74-3995 Umbrellas, parasols, and canes.
 74-3996 Tobacco pipes and cigarette holders.
 72-3997 Soda-fountain and beer-dispensing equipment.
 44-3998 Models and patterns (except paper patterns).
 74-3999 Miscellaneous fabricated products, not elsewhere classified.
- ORDNANCE AND ACCESSORIES
- 44-1911 Guns, howitzers, mortars, and related equipment.
 44-1921 Artillery ammunition.
 44-1922 Ammunition loading and assembling.
 44-1929 Ammunition, not elsewhere classified.
 44-1931 Tanks and tank components.
 44-1941 Sighting and fire-control equipment.
 74-1951 Small arms.
 74-1961 Small arms ammunition.
 44-1999 Ordnance and accessories, not elsewhere classified.

[Item 9 added by Amdt. 1]

OPS Public Form No. 8

 UNITED STATES GOVERNMENT
 OFFICE OF PRICE STABILIZATION
 WASHINGTON 25, D. C.
Form approved
Budget Bureau No. 94-5119
 MANUFACTURER'S PRICE ADJUSTMENT REPORT
 Pursuant to Ceiling Price Regulation 22

The individual company information reported on this form is for use in connection with the defense mobilization program. Persons who have access to individual company information are subject to penalties for unauthorized disclosure.

See the reverse side of this form for instructions.

Name of Firm	Address (Street and No.)	(City, Zone)	(State)	(Code for item 1)
1. Describe the Category or Product Line Covered by This Report		2. Give the Dates of the Base Period Used From _____ To _____		3. Estimated 1950 Dollar Sales \$ _____
4. Labor Cost Adjustment Factor				
5. Materials Cost Adjustment Factor (Complete this part if Method 1, 3, or 4 is used)				
Method 1 <input type="checkbox"/> Method 3 <input type="checkbox"/> Method 4 <input type="checkbox"/>		Adjustment Computed for Selected Commodity		Base Period Selling Price for This Commodity
Adjustment Factor _____		\$ _____		Name of Commodity _____
6. Price Adjustment Ratio _____ (for use only under Supplementary Regulation 2 to CPR 22)				
7. Certification Regarding Proposed Ceiling Price Increases Over General Ceiling Price Regulation: I certify that no ceiling price calculated under the regulation for commodities covered by 1 above exceeds the GCPR ceiling price, except as listed in 8 below and I understand that an increase proposed below shall be effective 15 days after OPS receives this report, but not prior to May 28, 1951, unless I am notified by OPS that the price has been disapproved or that more information is required. Notice: A willful false return is a criminal offense.				

Signature of officer or authorized agent of firm

Title

Date

8. Proposed ceiling price increases

Name and specification of item (include physical unit priced)	Class of customer and terms of sale	Estimated 1950 dollar sales	Base period price	GCPR price	Proposed price	Proposed price as a percentage of GCPR price Col. (f) + (e)	Materials cost ad- justment (Method 2 only)	(For OPS use only)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	

This form may be reproduced without change. (Attach continuation sheets as necessary. Identify columns with same letters used above.)

APPENDIX E

This appendix contains three "worksheets" for certain of the calculations required in determining ceiling prices under this regulation. No actual copies of such worksheets will be printed for distribution by OPS. They are shown only to indicate the content and arrangement of data appropriate for certain important calculations, for a record of these calculations for your own use, for examination by OPS representatives, and for submittal on request to OPS. Any other arrangement which presents the same data and calculations is acceptable.

The worksheets comprise: Worksheet 1, "Labor Cost Adjustment Worksheet," for use in connection with Sections 8 and 9; Worksheet 2, "Materials Cost Adjustment Worksheet for Methods 1 and 4," for use in connection with Sections 13 and 16; and Worksheet 3, "Materials Cost Adjustment Worksheet for Methods 2 and 3," for use in connection with Sections 14 and 15.

Note that the worksheets do not cover all necessary calculations under the regulation for which systematic working papers are necessary. For example, the final determination of a ceiling price will require also computation of actual adjustments (based on the adjustment factors), the addition of these to base period prices, and the application of customary differentials to determine prices to different classes of customers. Moreover, the worksheets are designed for the more usual situation and will not necessarily fit all special computations provided for by the regulations.

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Worksheet 1
CPR 22

LABOR COST ADJUSTMENT WORKSHEET

 Name of Firm _____
 Street Address _____
 City, Postal Zone, State _____

Instruction: One calculation, as shown below, may be made or the entire company or a separate calculation for each unit of the business, as provided in section 7 of the regulation.

1. Method used (check one)	
<input type="checkbox"/> Entire company <input type="checkbox"/> Unit located at _____	and identified as _____
2. Net sales for year ending _____	\$ _____
3. Factory payroll for year covered in (2) _____	
4. Labor cost ratio (line 3 divided by line 2) _____	
5. Wage increase factor (from Supplement: Line G) _____	
6. Labor-cost-adjustment factor (line 4 multiplied by line 5) _____	

SUPPLEMENT: COMPUTATION OF WAGE INCREASE FACTOR

(The method indicated below need not be followed precisely. Some other method more suitable to your records and accounts may be used as provided in section 8 of the regulation.)

A. Base period payroll. (See section 5 (c)) \$ _____	(covering period from _____ to _____)
B. Recomputation of payroll:	

(a)	(b)	(c)	(d)
Type of labor	Hours included in base period payroll	Hourly rate of pay as of 3/15, 1951	Recomputed payroll (c) times (b)
C. Total recomputed payroll without fringe benefits (total of column (d) in B) _____			
D. Value of increase in fringe benefits since base period payroll _____			
E. Recomputed payroll including increase in fringe benefits (line C plus line D) _____			
F. Excess of recomputed payroll over base payroll (line E minus line A) _____			
G. Wage increase factor (line F divided by line A) _____			
Enter this amount in line 5 above.			

RULES AND REGULATIONS

Worksheet 2
CPR 22MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 1 AND 4Name of Firm.....
Street Address.....
City, Postal Zone, State.....

Instruction: If you use Method 1 and your business has more than one plant you must make a separate calculation for each plant (or smaller unit if you prefer.) If you use Method 4, you must make a separate calculation for each product line or category.

COMPUTATIONS BELOW ARE UNDER:

1. (a) Method 1 (check and complete (1) or (2)):
 (1) ☐ for entire business consisting of one unit
 (2) ☐ for unit located at and identified as (Name of unit)
 (b) Method 4 (check and complete (1) or (2)):
 (1) ☐ for product line identified as
 (2) ☐ for category identified as
 2. Identify the Accounting Period used for this computation and corresponding sales data:
 (a) (1) For Method 1: Year ending
 Month, day, year
 (2) For Method 4: Period beginning on and ending on
 Month, day, year Month, day, year
 (b) Net Sales for above period for category, product line, or other unit indicated in (1) \$.....
 3. Indicate the base period used for determining material costs (section 4): From to
 4. Changes in materials costs

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Material used during accounting period	Physical amount of material used during accounting period	Cost per unit at end of base period	Cut-off date used (Dec. 31, 1950 etc.—specify)	Cost per unit at cut-off date	Change in net cost per unit (e) — (c)	Dollar cost increase (f) × (b)	Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

5. Aggregate dollar cost increase (total of increases minus total of decrease in col. g of 4)
 6. Materials cost adjustment factor (divide figure derived in 5 above by Net Sales shown in 2 (b) above)

Worksheet 3
CPR 22MATERIALS COST ADJUSTMENT WORKSHEET
FOR METHODS 2 AND 3Name of Firm.....
Street Address.....
City, Postal Zone, State.....

Instruction: If you use Method 2 you must make a separate calculation for each commodity. If you use Method 3, then the calculation must be for the best selling commodity in the product line which is to be priced.

1. (a) Method used:
 (1) ☐ Method 2 (complete b).
 (2) ☐ Method 3 (complete b and c).
 (b) If Method 2 is used insert name of commodity. If Method 3 is used insert name of best selling commodity. Commodity
 (c) If Method 3 is used describe the product line
 2. Indicate the base period used for determining material costs (see section 4): From to
 3. Changes in materials cost

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Material used	Physical amount of material used in one unit of the commodity	Cost per unit at end of base period	Cut-off date used (Dec. 31, 1950, etc.—specify)	Cost per unit at cut off date	Change in net cost per unit (e) — (c)	Dollar cost increase (f) × (b)	Subsection(s) of sec. 18 used for determining costs per unit for end of base period and cut-off date

4. Materials cost adjustment (total of increases minus total of decreases in column (g) of 3) (this is the final result under Method 2) \$.....
 5. Materials cost adjustment factor (For method 3 only):
 (a) Base period price per unit for commodity named in 1 (b) \$.....
 (b) Divide result obtained in 4 by entry for 5a (this is the final result under method 3) \$.....

[F. R. Doc. 52-5871; Filed, May 23, 1952; 4:40 p. m.]

[Ceiling Price Regulation 24, Amdt. 10]
CPR 24—CEILING PRICES OF BEEF SOLD
AT WHOLESALECERTAIN SELLERS TO FILE WITH DISTRICT
INSTEAD OF REGIONAL OFFICE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat as amended (16 F. R. 11620) and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 10 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 24 requires that certain sellers file with their District Office instead of their Regional Office of the Office of Price Stabilization. It has been determined that certain filings required under this regulation may be processed more effectively at the dis-

trict office level due to the fact that intimate knowledge of the reporting seller's operation may be readily obtained.

The files of sellers affected by this amendment have been transferred from the Regional to the appropriate District Office of the Office of Price Stabilization so that a more realistic administration of the regulation will be effectuated.

The sellers affected by this amendment are: Hotel Supply Houses, Combination Distributors, Peddler Truck Sellers, Wholesalers, Intermediate Distributors and Affiliated Boners.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, as far as practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

Section 21, Schedule II (a) and (b), section 42 (a) (4), 42 (b) (1) (v) and (vi), section 46 (c), section 49A (b) and (c), section 49B (a) (3), (4) and (5) and section 50 (u) (4) are amended by deleting the words "Regional Office" wherever they appear and inserting the words "District Office" therefor.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on May 31, 1952.

NOTE. The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 26, 1952.

[F. R. Doc. 52-5918; Filed, May 26, 1952;
4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 5]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE**CERTAIN SELLERS TO FILE WITH DISTRICT INSTEAD OF REGIONAL OFFICES**

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 5 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 74 requires that certain sellers file with their District Office instead of their Regional Office of the Office of Price Stabilization. It has been determined that certain filings required under this regulation may be processed more effectively at the district office level due to the fact that intimate knowledge of the reporting seller's operations may be readily obtained.

The files of sellers affected by this amendment have been transferred from the Regional to the appropriate District Offices of the Office of Price Stabilization so that a more realistic administration of the regulation will be effectuated.

The sellers affected by this amendment are: Wholesalers, Non-Slaughtering Processors, Intermediate Distributors, Hotel Supply Houses, Combination Distributors, Peddler Truck Sellers and Certified Dressed Hog Processors.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, as far as practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

Section 12, section 43 (b), 43 (c) (6), (7) and (8), section 44 (b), 44 (c) (2) and (3), section 45 (b), 45 (d) and 45 (e), section 46 (c), section 47 (c), section 49 (c) and section 60 (c) are amended by deleting the words "Regional Office" wherever they appear and inserting the words "District Office" therefor.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on May 31, 1952.

NOTE. The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 26, 1952.

[F. R. Doc. 52-5919; Filed, May 26, 1952; 4:00 p. m.]

[Ceiling Price Regulation 101, Amdt. 3]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE**CERTAIN SELLERS TO FILE WITH DISTRICT INSTEAD OF REGIONAL OFFICES**

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order 2 (16 F. R. 738), Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision 1 (16 F. R. 11875), this Amendment 3 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 101 requires that certain sellers file with their District Office instead of their Regional Office of the Office of Price Stabilization. It has been determined that certain filings required under this regulation may be processed more effectively at the district office level due to the fact that intimate knowledge of the reporting seller's operation may be readily obtained.

The files of sellers affected by this amendment have been transferred from the Regional to the appropriate District Office of the Office of Price Stabilization so that a more realistic administration of the regulation will be effectuated.

The sellers affected by this amendment are: Hotel Supply Houses, Combination Distributors, Peddler Truck Sellers, Wholesalers and Intermediate Distributors.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, as far as practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respects:

Section 7, section 21 (a) and (b), section 42 (a) (5), 42 (b) (1) (vi), (vii) and (viii), section 46 (c) and section 49 (a) (1) and (2) are amended by deleting the words "Regional Office" wherever they appear and inserting the words "District Office" therefor.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on May 31, 1952.

NOTE. The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 26, 1952.

[F. R. Doc. 52-5921; Filed, May 26, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board
[Interpretation 0]

INT. 6—EXTENDED WORKWEEK COMPENSATION UNDER GENERAL SALARY ORDER 10

EDITORIAL NOTE: In F. R. Doc. 52-5765, appearing at page 4651 of the issue for Thursday, May 22, 1952, the answer to the fifth question has been corrected to read:

A. Yes, assuming that the groups changed to a straight-time overtime basis are working on a regularly extended workweek as defined in section 3 of the order.

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order No. 6, Amdt. 1 of May 26, 1952]

PAD 6—LIMITATIONS ON AVIATION GASOLINE**EXTENSION OF ALLOCATION PERIOD AND CHANGE IN ALLOCATION QUOTAS**

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with aviation transportation and petroleum industry representatives has been rendered impracticable due to the need for immediate action. Consultations as to this amendment and with respect to its provisions have been held with representatives of the Department of Defense, Department of State, Department of Commerce, the Mutual Security Agency, and the civil aeronautics authorities.

1. The purpose of this amendment to PAD Order No. 6 is twofold. First, the amendment extends the provisions of the order and the limitations and restrictions thereby imposed for an additional period of fourteen (14) days beginning at 3:01 a. m., e. s. t., June 3, 1952. In the absence of this amendment the order would have expired at that time. Second, the amendment permits persons subject to the provisions of the order to accept delivery during each seven-day period of the three (3) weeks beginning at 3:01 a. m., e. s. t., May 27, 1952, of the maximum amount of aviation gasoline which any such person could accept during the first three 7-day periods following the effective date of the order.

The order, as originally issued, permitted each person covered by it to get during the twenty-eight (28) day period beginning May 6, 1952, not more than sixty-five (65%) percent of the aviation gasoline used by that person in March 1952. During each consecutive seven-day period beginning with the effective date of the order, a person could acquire not more than thirty (30%) percent of the quota allocated to him for the entire twenty-eight (28) day period.

Under this amendment a person covered by the order may accept during the last half of the 42 day period as much

aviation gasoline as he could have accepted during the first 21 days of the order. Further, the amendment permits a person to accept during any seven-day period commencing May 27, June 3, or June 10, the same amount that he could have accepted in any week commencing May 6, May 13, or May 20. This amount was 30 percent of the allocation for the initial twenty-eight day period, which in turn was 65 percent of the aviation gasoline used by that person in March 1952.

2. The definition of section 2 (i) is hereby amended to read as follows:

"Allocation period" means a period, consisting of the number of consecutive days set forth in Schedule D, commencing at 3:01 a. m., e. s. t., May 6, 1952, and shall consist of the number of consecutive periods of 7 days each set forth in Schedule D, the first such consecutive period to commence simultaneously with the commencement of the allocation period.

3. Section 3 (a), section 4 (a), and section 5 (a) are hereby amended by deleting the words "twenty-eight days immediately following the effective date of this order," and the words "twenty-eight (or '28-') day period" wherever such words appear in those sections of the order. In lieu of the words deleted, as set forth above, the order is hereby amended by substituting the words "allocation period."

4. Sections 3 (a), 4 (a), and 5 (a) are hereby amended by deleting the words "30 percent of the total" and in lieu thereof substituting the following: "the percentage of the total set forth in Schedule D." Sections 3 (c), 4 (c), and 5 (c) are hereby amended by deleting the words "30 percent of the allocated quantity" and in lieu thereof substituting the following: "the percentage of the allocated quantity set forth in Schedule D."

5. Section 8 is hereby amended by inserting before the existing original paragraph the letter "(a)" and by adding the following new paragraph:

(b) Each person authorized to accept delivery of a quantity of aviation gasoline by specific exception granted pursuant to application under this section 8 is hereby authorized during the fourteen days commencing at 3:01 a. m., e. s. t., June 3, 1952, to accept delivery of an additional quantity of aviation gasoline not to exceed 50 percent of the quantity as originally authorized.

6. Section 10 (b) is hereby amended by the addition of the following sentence: "In the event an application has been duly made to the Office of International Trade for an export license or other export authority or permit for aviation gasoline, a separate request for certification need not be made to the Petroleum Administration for Defense, but in each such circumstance, the Petroleum Administration for Defense must be informed of any application so made to OIT."

7. Schedule A, Part 1, Schedule B, Part 1, and Schedule C, Part 1, are hereby amended by deleting the percentage "sixty-five (65) percent" and in lieu thereof substituting: "one hundred seventeen percent (117%)."

8. The order is hereby amended by the addition of the following schedule:

SCHEDULE D—RULES WITH RESPECT TO ALLOCATION PERIOD AND WEEKLY PERCENTAGES

This schedule is divided into three parts: Part 1 states the number of days in the allocation period. Part 2 states the number of consecutive seven-day periods which comprise the allocation period. Part 3 states the percentage which will be used in the computation to determine the amount of aviation gasoline which each carrier, foreign carrier, or non-carrier may receive and accept delivery of during each seven-day period in the allocation period.

Part 1—The number of days is 42.

Part 2—The number of periods is 6.

Part 3—The percentage is 16%.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

This amendment to PAD Order No. 6 is issued this 26th day of May, 1952 and shall become effective at 3:01 a. m., e. s. t., May 27, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior
and Petroleum Administrator.

[F. R. Doc. 52-5910; Filed, May 26, 1952;
11:04 a. m.]

[PAD Order No. 6 and Direction 1, General Adjustment 1]

PAD 6—LIMITATIONS ON AVIATION GASOLINE

GEN. ADJ. 1—ADJUSTMENT WITH RESPECT TO USE OF AVIATION GASOLINE FOR AGRICULTURAL AND RELATED PURPOSES

EDITORIAL NOTE: In F. R. Doc. 52-5621, appearing at page 4564 of the issue for Tuesday, May 20, 1952, the headings should read as set forth above.

[PAD Order No. 6 and Direction 1, General Adjustment 2]

PAD 6—LIMITATIONS ON AVIATION GASOLINE

GEN. ADJ. 2—ADJUSTMENT WITH RESPECT TO GRADE 91/98 AVIATION GASOLINE IN WASHINGTON, OREGON, CALIFORNIA, ALASKA, AND HAWAII

EDITORIAL NOTE: In F. R. Doc. 52-5584, appearing at page 4623 of the issue for Wednesday, May 21, 1952, the headings should read as set forth above.

[PAD Instruction No. 1, Expiration]

REQUESTS FOR ASSISTANCE IN OBTAINING DELIVERY OF HEATING OIL TO THE EAST COAST

NOTICE OF EXPIRATION

MAY 26, 1952.

Notice is hereby given that pursuant to its provisions, PAD Instruction No. 1, relating to instructions to East Coast resellers of heating oil on procedures for

getting additional oil, ceased to be effective after 12:01 a. m., e. s. t., May 1, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior
and Petroleum Administrator.

[F. R. Doc. 52-5912; Filed, May 26, 1952;
11:04 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 832]

ARIZONA

RESERVING PUBLIC LANDS FOR USE BY FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use by the Forest Service, Department of Agriculture, as the Big Springs Ranger District Administrative Site in connection with the administration of the Kaibab National Forest:

GRILA AND SALT RIVER MERIDIAN

T. 41 N., R. 2 W.,
Sec. 21, S $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 40 acres.

This order shall take precedence over, but shall not otherwise affect, the order of the Secretary of the Interior of July 9, 1935, establishing Arizona Grazing District No. 1, so far as it affects the above-described lands.

It is intended that these lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 21, 1952.

[F. R. Doc. 52-5820; Filed, May 26, 1952;
8:53 a. m.]

[Public Land Order 833]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES, AND REVOKING EXECUTIVE ORDERS NOS. 1450 AND 9029 AND PUBLIC LAND ORDERS NOS. 7, 173, AND 703

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in New Mexico are hereby withdrawn from all forms of appropriation

under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

- Tps. 6 to 16 S., R. 2 E.,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36, inclusive in each township.
- T. 17 S., R. 2 E.,
Secs. 1 to 4, 9 to 16, 22 to 27, and 34 to 36, inclusive.
- T. 18 S., R. 2 E.,
Secs. 1, 2, 11 to 14, 24, 25, and 36.
- Tps. 6 to 18 S., R. 3 E.
- T. 19 S., R. 3 E.,
Secs. 1 to 18, 20 to 29, and 32 to 36, inclusive.
- T. 20 S., R. 3 E.,
Secs. 1 to 4, 9 to 16, 22 to 27, inclusive, 35 and 36.
- T. 21 S., R. 3 E.,
Secs. 1, 2, 11, 12, 13, 24, and 25.
- Tps. 6 to 25 S., R. 4 E.
- T. 6 S., R. 5 E.,
Secs. 2 to 36, inclusive.
- Tps. 7 to 16 S., R. 5 E.
- T. 19 S., R. 5 E.,
Secs. 6, 7, and 8;
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Secs. 16 to 36, inclusive.
- Tps. 20 to 25 S., R. 5 E.
- Tps. 6 to 16 S., R. 6 E.
- T. 19 S., R. 6 E.,
Sec. 1, S½;
Secs. 9 to 36, inclusive.
- Tps. 20 to 25 S., R. 6 E.
- T. 6 S., R. 7 E.,
Sec. 7, lots 1, 2, 3, 4, E½W½, W½E½, SE¼NE¼, and E¼SE¼;
Sec. 8, S½NW¼ and S½;
Sec. 9, S½S½, and NW¼SW¼;
Sec. 13, S½NW¼ and S½;
Sec. 14, S½N¼ and S½;
Sec. 15, W½NE¼, SE¼NE¼, NW¼, and S½;
Secs. 16 to 36, inclusive.
- Tps. 7 to 16 S., R. 7 E.
- T. 18 S., R. 7 E.,
Those portions of the following-described subdivisions excepted from the White Sands National Monument by Proclamation No. 2025 of January 18, 1933, and eliminated from that monument by Proclamation No. 2295 of August 30, 1938: Sec. 1; sec. 12, NE¼ and N¼SE¼; sec. 14, W½; sec. 22, NW¼, N¼SW¼, SW¼SW¼, and NE¼; sec. 23, NW¼.
- Those portions of the following-described subdivisions south and east of, and including, Federal Air Project 176 right-of-way, and those portions of United States Highway Route 70 eliminated from the White Sands National Monument by said Proclamation No. 2295: Sec. 12, W½; sec. 13, NW¼; sec. 14, E½.
- Sec. 12, S½SE¼;
Sec. 13, E½ and SW¼;
Sec. 22, SE¼SW¼ and SE¼;
Sec. 23, NE¼ and S½;
Secs. 24 to 27, inclusive;
Sec. 28, SE¼NE¼ and S½;
Secs. 31 to 36, inclusive.
- Tps. 19 to 23 S., R. 7 E.
- Tps. 24 and 25 S., R. 7 E., those portions west of the Southern Pacific Railroad right-of-way.
- T. 6 S., R. 8 E.,
Sec. 19;
Secs. 29 to 33, inclusive.
- Tps. 7 to 10 S., R. 8 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive, in each township.
- Tps. 11 to 16 S., R. 8 E.
- T. 17 S., R. 8 E.,
Secs. 1 to 5 and 8 to 17, inclusive;
Secs. 19 and 20;
Sec. 22, E½NE¼;
Sec. 23, W½NW¼;
Secs. 29 to 32, inclusive.

- T. 18 S., R. 8 E.,
Secs. 5 to 8, inclusive;
Sec. 17;
Sec. 18, NE¼ and S½;
Secs. 19 and 20;
Secs. 29 to 32, inclusive.
- T. 19 S., R. 8 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32, inclusive.
- T. 20 S., R. 8 E.,
Secs. 5 to 8, 16 to 21, and 28 to 33, inclusive.
- T. 21 S., R. 8 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
- T. 22 S., R. 8 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32, inclusive.
- Tps. 23 and 24 S., R. 8 E., those portions west of the Southern Pacific Railroad right-of-way.
- Tps. 11 to 15 S., R. 9 E.,
Secs. 5 to 8, 17 to 20, and 29 to 32, inclusive in each township.

The areas described, including both public and non-public lands, aggregate approximately 2,394,384 acres.

This order shall take precedence over but not otherwise affect (1) Executive Orders No. 1526 of May 3, 1912, No. 2368 of April 24, 1916, and No. 4266 of July 10, 1925, reserving lands for the use of the Department of Agriculture as an Experimental Station; (2) the Executive Orders of July 10, 1919, and April 17, 1926, creating Public Water Reserves Nos. 65 and 107; (3) Executive Order No. 8646 of January 22, 1941, reserving lands for the San Andres National Wildlife Refuge; and (4) the order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 4, so far as such orders affect any of the above-described lands.

The use by the Department of the Army of the lands in the San Andres National Wildlife Refuge and the Jornada Experimental Range shall be subject to and in conformity with memoranda of agreement or use permits heretofore and hereafter negotiated between the Department of the Army and the interested Federal agencies.

The public lands in the areas described above lying north and west of U. S. Highway No. 70 may be used for grazing purposes under the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315 et seq.) at such time and in such manner as may be agreed upon by the Department of the Army and the Department of the Interior.

The following orders are hereby revoked:

1. Executive Order No. 1450 of December 29, 1911, reserving public lands for a target range and for other military purposes.
2. Executive Order No. 9029 of January 20, 1942, reserving public lands for the use of the War Department as a general bombing range, as amended by Executive Order No. 9526 of February 28, 1945, and by Public Land Order No. 473 of April 30, 1948.
3. Public Land Order No. 7 of January 29, 1942, reserving public lands for the use of the War Department as an air base, as amended by Executive Order No. 9526 of February 28, 1945, and by Public Land Order No. 473 of April 30, 1948.
4. Public Land Order No. 173 of September 27, 1943, reserving public lands for the use of the War Department for the construction of a sewage disposal

plant, as amended by Public Land Order No. 473 of April 30, 1948.

5. Public Land Order No. 703 of March 8, 1951, reserving public lands for the use of the Department of the Army for military purposes.

It is intended that when the lands described herein are no longer needed for the purpose for which they are reserved they shall be returned to the administration of the Department of the Interior, the Department of Agriculture, and any other Federal agency according to their respective interests of record.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 21, 1952.

[F. R. Doc. 52-5928; Filed, May 26, 1952;
8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 865, Amdt. 26]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of May A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., May 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5825; Filed, May 26, 1952;
8:52 a. m.]

[S. O. 865, Amdt. 27]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of May A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 12102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865, as amended, be and it is hereby suspended until 11:59 p. m., June 30, 1952, on all freight cars except cars described in the current Official Railway Equipment Register, Agent M. A. Zenobia's I. C. C. 302, supplements thereto and reissues thereof, as Class "G"—Gondola Car Type and Class "F"—Flat Car Type.

It is further ordered, that this amendment shall become effective at 11:59 p. m., May 31, 1952, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agree-

ment under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5824; Filed, May 26, 1952;
8:52 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM B
(OTHER THAN CLASS I CARRIERS OF PROPERTY)

At a session of the Interstate Commerce Commission, Division 1, held in its office in Washington, D. C., on the 21st day of March A. D. 1952.

The matter of annual reports from Motor Carriers of Property other than Class I carriers being under consideration:

It is ordered, That the order dated March 7, 1951, in the matter of annual reports from Motor Carriers of Property other than Class I (49 CFR 205.3) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1951, and subsequent years, as follows:

§ 205.3 *Annual reports of carriers of property other than Class I carriers.* Each Common and Contract Motor Carrier of Property other than Class I Carriers (49 CFR 181.02-1) shall file an annual report for the year ending December 31, 1951, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form B¹ which is hereby approved and made a part of the order. The annual report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before June 1 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5826; Filed, May 26, 1952;
8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing
Administration

[7 CFR Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE
WITH RESPECT TO MARKETING QUOTAS FOR
FLUE-CURED TOBACCO FOR THE 1953-54
MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim a national marketing quota for flue-cured tobacco for the 1953-54 marketing year.

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. A national marketing quota for flue-cured tobacco for the 1952-53 marketing year was proclaimed on November 28, 1951 (16 F. R. 12169).

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1953-54 national marketing quota may, not later than March 1, 1953, be increased by not more

than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (July 1, 1952, in the case of flue-cured tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption, and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for the current trends in such exports.

The act (7 U. S. C. 1312 (b)) provides that within 30 days after a national marketing quota is proclaimed for the 1953-54 marketing year the Secretary

shall conduct a referendum of farmers who are engaged in the production of the 1952 crop of flue-cured tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years beginning with the 1953-54 marketing year. If two-thirds of the farmers voting on this question favor quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period.

In making the determination as to the amount of the national marketing quota for flue-cured tobacco for the 1953-54 marketing year, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 21st day of May 1952.

[SEAL]

HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52-5819; Filed, May 26, 1952;
8:50 a. m.]

¹ Filed as part of the original document.

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS: REVISED AREA DESIGNATIONS

GEORGIA

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

1. In Schedule A, under Georgia, in alphabetical order, add the counties "Bullock, Candler, Carroll, Chattooga, Dodge, Gwinnett, Irwin, Lowndes, Miller, Mitchell, Seminole, and Taliaferro."

2. In Schedule B, under Georgia, delete the counties "Bullock, Candler, Carroll, Chattooga, Dodge, Gwinnett, Irwin, Lowndes, Miller, Mitchell, Seminole, and Taliaferro."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 22d day of May 1952.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-5847; Filed, May 23, 1952;
4:14 p. m.]

Commodity Credit Corporation

CONTRACTING OFFICERS

DELEGATION OF AUTHORITY

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of the PMA County Committees in the cotton producing States are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to a participating oil miller or an approved storage facility under the 1952-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Production and Marketing Administration.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the PMA county offices in the respective cotton producing States.

Issued this 21st day of May 1952.

[SEAL]

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-5815; Filed, May 26, 1952;
8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ARIZONA

NOTICE FOR FILING OBJECTIONS TO ORDER¹
RESERVING PUBLIC LANDS FOR USE BY FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITE

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

MAY 21, 1952.

[F. R. Doc. 52-5830; Filed, May 26, 1952;
8:53 a. m.]

Bureau of Land Management

[63146]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 21, 1952.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 7 W.,
Sec. 28, S $\frac{1}{2}$.
T. 4 S., R. 10 W.,
Sec. 12, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 13, S $\frac{1}{2}$;
Sec. 17, NE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 4 S., R. 16 W.,
Sec. 2, lot 4,
T. 23 N., R. 21 W.,
Sec. 23, E $\frac{1}{2}$;
Sec. 25;
Sec. 27;
Sec. 29;
Sec. 31, lots 1, 2, 3, 4, 5, 6, and 7, E $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

¹ See F. R. Doc. 52-5829, Title 43, Chapter I, Appendix, PLO 832, *supra*.

Sec. 33, lots 1, 2, 3, and 4, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 35, lots 1, 2, 3 and 4, N $\frac{1}{2}$ S $\frac{1}{2}$,
T. 23 N., R. 22 W.,
Sec. 1, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.

The areas described aggregate 5,323.85 acres.

The lands are primarily suitable for grazing.

The SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 17, T. 4 S., R. 10 W., are embraced in an exchange application of the State of Arizona, filed under the above-mentioned act of June 28, 1934, 48 Stat. 1272, as amended by section 3 of the act of June 26, 1936, 43 Stat. 1976 (43 U. S. C. 315g), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject as to these lands to the provisions contained in the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended granting preference rights to veterans of World War II and others.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order,

any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM PINCUS,
Assistant Director.

[P. R. Doc. 52-5805; Filed, May 26, 1952;
8:47 a. m.]

Petroleum Administration for Defense

NOTICE OF EXPIRATION OF VOLUNTARY AGREEMENT RELATING TO SUPPLY OF HEATING OIL TO EAST COAST

MAY 26, 1952.

Notice is hereby given that the Voluntary Agreement Relating to the Supply of Heating Oil to the East Coast, pursuant to paragraph 12 of that agreement, ceased to be effective on April 30, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior
and Petroleum Administrator.

[P. R. Doc. 52-5211; Filed, May 26, 1952;
11:04 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 133]

SIDNEY WESTHEIMER

ORDER DENYING LICENSE PRIVILEGES

In the matter of Sidney Westheimer, 453 East Beach Street, Long Beach, New York, respondent; Case No. 133.

A charging letter issued by the Investigation Staff, Office of International Trade, on December 13, 1951, instituted this compliance proceeding against the above-named respondent, H. Elkan & Company, Inc., a corporation of which he was then vice president (herein referred to as the Company), and others.

After receiving said charging letter, respondent Sidney Westheimer conferred personally and through his counsel with officials of the Office of International Trade and with the Compliance Commissioner. Thereafter, respondent submitted to the Office of International Trade, with the advice and through his counsel, a statement in which he admitted for the limited purpose of this compliance proceeding the charges applicable to him in said charging letter, waived all rights to a hearing thereon and consented to the entry of an order, the terms of which are set forth below.

The Company having previously requested and been granted a severance of the proceedings, and, after conferring with officials of the Office of International Trade and with the Compliance Commissioner, having submitted a statement admitting for the purposes of the proceeding only its limited participation in the violations set forth in said charging letter, consented to the entry of an order suspending for a period of sixty (60) days its validated and general license privileges to engage in exports from the United States to any foreign destination; and such order was duly issued by the Office of International Trade, effective May 16, 1952.

The proceedings against the other respondents named in said charging letter have, accordingly, been severed from the instant proceeding and will be the subject of independent consideration.

The charges in said charging letter, which respondent Sidney Westheimer has admitted, allege, in substance, that respondent, in his capacity as vice president of the Company, violated the Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder by agreeing to and permitting the Company's customer (the other respondents named in said charging letter) to apply, between December 1950 and May 1951, in the name of the Company but for their own benefit and use, for twelve (12) validated licenses to export to their own purchasers and consignees in Japan quantities of hides and skins bought from the Company; and that such license applications were executed in the name of the Company by respondent in his official capacity. The charges further allege that respondent Sidney Westheimer knew and intended that such licenses would permit such other respondents to

export from the United States larger quantities of hides and skins than they would be permitted to export in view of known quotas established by the Office of International Trade for export of said commodities and the share of such quotas such respondents were likely to receive.

The charging letter, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review. Upon the basis of such review, and upon the informal presentation of the facts, including extenuating circumstances claimed by respondent at the conference with counsel for the Office of International Trade and counsel for said respondent, the Compliance Commissioner has found that the charges applicable to respondent are substantiated by the evidence and has concluded that the terms and conditions of the proposed order as consented to by respondent are fair and reasonable and should be approved.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, the proposal for a consent order, and the fact that all relationships between the Company and respondent have been terminated and said respondent is no longer an officer or employee of the Company. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered, as follows:

(1) Respondent Sidney Westheimer is hereby denied and declared ineligible to exercise the privileges of obtaining or using export licenses, including validated and general licenses, for the exportations of any commodity from the United States to any foreign destination. Such denial of export privileges is deemed to include and prohibit, directly or indirectly, in any manner or capacity, (a) as a party, or as a representative of a party, to any exportation under validated or general export licenses, and (b) in the financing, forwarding, transporting, or other servicing of exports from the United States pursuant to any validated or general export licenses.

(2) Such denial of export privileges shall extend not only to respondent Sidney Westheimer, but also to any person, firm, corporation, or other business organization with which said respondent may be now or hereafter related by ownership, control, or position of responsibility in the conduct of trade involving exports from the United States under validated and general export licenses, or services connected therewith.

(3) This order shall extend for a period of fifteen (15) months from the date hereof. *Provided, however,* That upon the expiration of twelve (12) months from the date of this order, the order shall be suspended for the balance of the fifteen (15) months and the export privileges denied herein shall be restored to respondent. In the event, however, that respondent shall at any time during

the fifteen (15) month period covered by this order knowingly violate any of the provisions of this order or any of the regulations of the Office of International Trade, the Office of International Trade may summarily at such time as it determines such violation occurred, issue an order which denies to respondent all export privileges for the full three (3) month period which has been suspended, without limiting thereby the Office of International Trade from instituting any further action based on such violation.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general export licenses, to or for the respondent, or any person, firm, corporation, or other business organization covered by paragraph (2) hereinabove, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: May 21, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-5827; Filed, May 26, 1952;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1277, G-1621, G-1633, G-1650,
G-1713, G-1747, G-1800]

TRANSCONTINENTAL GAS PIPE LINE CORP.
ET AL.

NOTICE OF ORDER EXTENDING EFFECTIVE
PERIOD OF ORDER

MAY 21, 1952.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-1277, G-1650, G-1713; Atlantic Seaboard Corporation, Docket Nos. G-1621, G-1747; The Manufacturers Light and Heat Company, Docket No. G-1633; United Fuel Gas Company, Docket No. G-1800.

Notice is hereby given that on May 16, 1952, the Federal Power Commission issued its order entered May 15, 1952, extending effective period of order (17 F. R. 4270) amending temporarily prior certificate authorization in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5809; Filed, May 26, 1952;
8:48 a. m.]

[Docket No. G-1464]

UNITED NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

MAY 21, 1952.

Notice is hereby given that on May 16, 1952, the Federal Power Commission issued its order entered May 15, 1952, issuing certificate of public convenience

No. 104—7

and necessity authorizing merger and consolidation in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5810; Filed, May 26, 1952;
8:49 a. m.]

[Project No. 344]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER DETERMINING ORIGINAL
COST, NET CHANGES, AND PRESCRIBING AC-
COUNTING, OF PROJECT

MAY 21, 1952.

Notice is hereby given that on May 21, 1952, the Federal Power Commission issued its order entered May 15, 1952, determining actual legitimate original cost of project, net changes therein, and prescribing accounting therefor in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5811; Filed, May 26, 1952;
8:49 a. m.]

[Project No. 487]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER APPROVING EXHIBIT AS PART
OF LICENSE

MAY 21, 1952.

Notice is hereby given that on May 20, 1952, the Federal Power Commission issued its order entered May 15, 1952, approving Exhibit K as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-5812; Filed, May 26, 1952;
8:49 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-431]

RADIO AND TELEVISION INDUSTRY

NOTICE OF HOLDING OF THIRD SESSION OF
TRADE PRACTICE CONFERENCE

Notice is hereby given that a third session of the trade practice conference for the Radio and Television Industry will be held under Commission auspices commencing at 10 a. m., d. s. t., June 18, 1952, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, N. W., Washington, D. C. It is estimated that the meeting will conclude its deliberations not later than the afternoon of June 20.

The purpose of the conference is to afford industry members an opportunity to consider and discuss a draft of trade practice rules as recommended by a special all-industry committee appointed for the purpose. Copies of the suggested rules are being distributed to industry members with the advice that the same have not been considered by the Commission and are not to be construed as having Commission approval. Other in-

terested parties desiring copies of the suggested rules may obtain the same upon request to the Commission.

All persons, firms, corporations and organizations engaged in the manufacture, sale or distribution in interstate commerce of radio or television sets, radio-television combination sets, or parts or accessories therefor, are cordially invited as members of the industry to attend or send representatives to the conference and to participate in the proceedings.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: May 22, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-5865; Filed, May 26, 1952;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12, 70-1806]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER POSTPONING ARGUMENT

MAY 21, 1952.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company, et al., File No. 59-12; Electric Bond and Share Company, et al., File No. 59-3; Electric Bond and Share Company, File No. 70-1806.

The Commission, on May 2, 1952, having issued its notice of oral argument in the above matter to be held on May 12, 1952, providing that written statements of position and supporting arguments be filed with the Commission not later than May 9, 1952; and on May 8, 1952, having issued its order postponing argument and the time for filing statements of position to May 26, 1952, and May 23, 1952; and

Electric Bond and Share Company and General American Investors Company, Inc., having requested that such argument be further postponed; and

It appearing to the Commission appropriate that such requests be granted:

It is ordered, That all interested persons will have an opportunity to present their views in accordance with the notice of May 2, 1952, on June 9, 1952, at 2:00 p. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, 25, D. C., providing that a written statement of their position and of any supporting arguments is filed with the Commission not later than June 5, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-5807; Filed, May 26, 1952;
8:47 a. m.]

[File No. 70-2784]

NATIONAL FUEL GAS CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF DEBENTURES AND RELEASING JURISDICTION OVER FEES AND EXPENSES

MAY 21, 1952.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation, Pennsylvania Gas Company, The Sylvania Corporation, File No. 70-2784.

National Fuel Gas Company ("National"), a registered holding company, and its subsidiaries, United Natural Gas Company ("United"), Iroquois Gas Corporation ("Iroquois"), Pennsylvania Gas Company ("Pennsylvania"), and The Sylvania Corporation ("Sylvania"), having filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 6, 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935, and Rules U-43 and U-50 promulgated thereunder with respect to the issuance and sale by National, pursuant to the competitive bidding requirements of Rule U-50, of \$18,000,000 principal amount of its -- Percent Sinking Fund Debentures due 1977 and the use of the proceeds therefrom to repay outstanding loans of National in the amount of \$11,000,000 due to the Chase National Bank of the City of New York, and the remaining \$7,000,000 to be loaned by National to four of its subsidiaries in the following respective amounts: United, \$3,500,000; Iroquois, \$1,800,000; Pennsylvania, \$1,200,000; and Sylvania, \$500,000; and

The Commission by order dated May 12, 1952, having granted and permitted the joint application-declaration, as amended, to become effective subject to the condition, among others, that the proposed issuance and sale of debentures shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto; and jurisdiction having been reserved over the payment of fees and expenses to be incurred in connection with the proposed transactions; and

National having, on May 21, 1952, filed an amendment to said joint application-declaration in which it is stated that it has invited bids with respect to such debentures pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to company (percent)	Interest rate (percent)	Cost to company (percent)
White, Weld & Co.	100.2799	3 3/4	3.234
Harriman Ripley & Co., Inc.	101.83	3 3/4	3.267
Kuhn, Loeb & Co.	101.72	3 3/4	3.274
The First Boston Corp.	101.4599	3 3/4	3.289
Halsey, Stuart & Co., Inc.	101.1499	3 3/4	3.307

The amendment further stating that National has accepted the bid of White, Weld & Co. for the debentures and that

the debentures will be offered for sale to the public at a price of 100.8559 percent of the principal amount resulting in an underwriters' spread of 0.5760 percent of the principal amount of the debentures; and

National having completed the record with respect to the fees and expenses of the proposed transactions estimated in the amount of \$102,050, including legal fees of \$6,000 to Stryker, Tams & Horner, counsel for National; \$1,000 to Kenepick, Bass, Latchworth, Baldy & Phillips, counsel for National and Iroquois; \$600 to Brooks, Cromarty & Baker, Canadian counsel for National; \$500 to Gifford, Graham, MacDonald & Illig, counsel to National; and \$10,000 to Cahill, Gordon, Zachry & Reindel, counsel for the underwriters; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said debentures, the interest rate thereon, the redemption prices thereof, or the underwriters' spread; and also finding that the estimated fees and expenses of the proposed transactions, including the fees of counsel for National and independent counsel for the underwriters are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the joint application-declaration, as amended, be granted and permitted to become effective forthwith and that jurisdiction heretofore reserved with respect to the results of competitive bidding for the debentures and with respect to all fees and expenses, be, and the same hereby is, released, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 52-5808; Filed, May 26, 1952;
8:48 a. m.]

[File No. 812-782]

NEWMONT MINING CORP. AND SHERRITT GORDON MINES LTD.

NOTICE OF APPLICATION

MAY 20, 1952.

Notice is hereby given that Newmont Mining Corporation (Newmont) of 14 Wall Street, New York, N. Y., a closed-end non-diversified management company, registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act certain proposed transactions whereby Sherritt Gordon Mines Limited (Sherritt-Gordon), an affiliated person of Newmont may sell to Newmont convertible debentures and first mortgage bonds in an aggregate amount of \$8,500,000.

It appears from the application that Sherritt-Gordon, an Ontario corporation with offices at 25 King Street West, Toronto, Ontario, has outstanding 8,133,318 shares of capital stock, of which 1,122,196 shares (13.8 percent) were acquired from

it by Newmont in July 1951. Sherritt-Gordon proposes to engage in the mining and treatment of nickel-copper ores in the Lynn Lake region of Manitoba. In connection therewith, Sherritt-Gordon proposes: (a) to sell to Newmont debentures in the amount of \$7,000,000 (Canadian), convertible into shares of capital stock at the rate of \$2.50 per share until June 30, 1956, and to bear interest at the rate of 5 percent per annum thereafter; (b) to sell to certain banks and institutional investors: (i) \$3,800,000 (U. S.) in Series A, 4 Percent First Mortgage Bonds maturing in instalments from November 1954 to August 1956; and (ii) \$15,200,000 (U. S.) in Series B, 4 3/4 Percent First Mortgage Bonds maturing in instalments from November 1956 to August 1964; and (c) to sell, at its option exercisable until November 1, 1954, an additional amount up to \$3,000,000 (U. S.) in said bonds (\$600,000 in Series A bonds and \$2,400,000 in Series B bonds) one-half of the amount so sold to be purchased by Newmont and the other one-half by the aforementioned banks and institutional investors, said sales to be in a ratio of 1 to 4 of Series A to Series B bonds.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after June 3, 1952, unless prior to the issuance of said order a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than June 2, 1952, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.[F. R. Doc. 52-5806; Filed, May 26, 1952;
8:47 a. m.]ECONOMIC STABILIZATION
AGENCY

Office of the Administrator

[Determination No. 107]

FARMINGTON, NEW MEXICO, CRITICAL
DEFENSE HOUSING AREAAPPROVAL OF EXTENT OF RELAXATION OF
CREDIT CONTROLS

SECTION 1. Authority. This action is taken pursuant to the authority con-

ferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574, and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Pub. Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. Determination. In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated May 20, 1952, that the Farmington, New Mexico, area (this area consists of all of the County of San Juan, New Mexico) is a critical defense housing area, and in view of the defense housing program announced for the said area on May 9, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Farmington, New Mexico, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MAY 21, 1952.

[F. R. Doc. 52-5899; Filed, May 26, 1952;
10:18 a. m.]

[Determination No. 108]

GARY-HAMMOND-EAST CHICAGO, INDIANA,
CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. Authority. This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. Determination. In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated May 20, 1952, that the Gary-Hammond-East Chicago, Indiana, area (this area consists of all of Lake County, Indiana, except the Townships of Cedar Creek, Eagle Creek, and West Creek) is a crit-

ical defense housing area, and in view of the defense housing program announced for the said area on March 17, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Gary-Hammond-East Chicago, Indiana, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

MAY 21, 1952.

[F. R. Doc. 52-5900; Filed, May 26, 1952;
10:19 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 83, Section 2,
Special Order 9, Amdt. 1]

HUDSON MOTOR CO.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 9 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Hudson Motor Company. It now appears that one factory installed equipment option sold by Hudson Motor Company at the time of issuance of Special Order 9 was omitted from that Order. Special Order 9 is, therefore, amended to include a charge for this item.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 9 is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 9:

Extra cost package (Pacemaker only).
(includes mechanical clock and rear wheel covers) \$24.19

Effective date. This Amendment 1 to Special Order 9 shall become effective May 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 26, 1952.

[F. R. Doc. 52-5916; Filed, May 26, 1952;
11:54 a. m.]

[Ceiling Price Regulation 83, Section 2,
Special Order 11, Amdt. 6]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PAS- SENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of

Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced new items of factory installed extra, special or optional equipment on its Oldsmobile and Buick new passenger automobiles and wholesale ceiling prices have been approved for these new items. Special Order 11 is, therefore, amended to include charges for the new items of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11 is hereby issued.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 11:

OLDSMOBILE PASSENGER AUTOMOBILES

Upholstery, trim, leather cushions and backs (Deluxe 88 4-door sedan)	\$206.33
Upholstery, trim, leather cushions and backs (Super 88 4-door sedan)	144.10
Upholstery, trim, leather cushions and backs (98 4-door sedan)	127.23

BUICK PASSENGER AUTOMOBILES

Upholstery, trim, custom two tone cloth, Number 47 (body style No. 41D)	\$32.00
Upholstery, trim, custom two tone cloth, Number 58 (body style No. 52)	50.00
Upholstery, trim, custom full leather, Number 86-87-88 (body style No. 76R)	111.28

Effective date. This Amendment 6 to Special Order 11 shall become effective May 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

MAY 26, 1952.

[F. R. Doc. 52-5917; Filed, May 26, 1952;
11:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27076]

SCRAP IRON OR STEEL FROM CHICAGO, ILL.,
TO HAMILTON, ONT.

APPLICATION FOR RELIEF

MAY 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Baltimore and Ohio Railroad Company and other carriers.

Commodities involved: Scrap iron or steel (not copper clad), carloads.

From: Chicago, Ill.

To: Hamilton, Ont.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
B & O RR.....	23600	56
C & O Ry. (PMD).....	13099	49
CSS & SB RR.....	198	3
Erie RR.....	A-7569	90
GTW RR.....	A-2909	103
NYC RR.....	1209	20
NYC & StL RR.....	6195	4
Pa. RR.....	3195	12
Wab. RR.....	7673	4

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5820; Filed, May 26, 1952;
8:50 a. m.]

[4th Sec. Application 27077]

PETROLEUM COKE FROM WHITING, IND.,
TO EMCO, ALA.

APPLICATION FOR RELIEF

MAY 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 741. Commodities involved: Petroleum coke, carloads.

From: Whiting, Ind.

To: Emco, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 741, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5821; Filed, May 26, 1952;
8:50 a. m.]

[4th Sec. Application 27078]

TOYS FROM LAUREL, MISS., TO
CHICAGO, ILL.

APPLICATION FOR RELIEF

MAY 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri Pacific Railroad Company and other carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Toys, noibn., other than iron, steel, lead, or rubber, carloads.

From: Laurel, Miss.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5822; Filed, May 26, 1952;
8:51 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 67-A]

RAILROADS SERVING MISSOURI RIVER AND
MISSISSIPPI RIVER AREAS

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 67, and good cause appearing therefor: *It is ordered*, That:

(a) King's I. C. C. Order No. 67 be, and it is hereby vacated and set aside.
(b) Effective date: This order shall become effective 11:59 p. m., May 25, 1952.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 20, 1952.

INTERSTATE COMMERCE
COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-5823; Filed, May 26, 1952;
8:51 a. m.]